



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.28146 of 2004

The Management of
Meliyiurru Panchayat,
represented by its President,
Panruti Taluk,
Cuddalore District.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Cuddalore.

2. V.Sabarimalai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records on the file of the 1st Respondent relating to the impugned Award dated 29.03.2004 in I.D.No.126 of 2002 and quash the same.

For Petitioner : Mr.Bharatha Chakravarthi
for M/s.Sai, Bharath
For 2nd Respondent : No representation

O R D E R

Petitioner has come up with this Writ Petition challenging the Award dated 29.03.2004 passed by the 1st Respondent in I.D.No.126 of 2002.

2. Heard the learned counsel for the Petitioner/Management. There is no representation on behalf of the 2nd Respondent/workman.

3. Rule 34 and Rule 48 of the Tamilnadu Industrial Disputes Rules, 1958, makes it very clear that, when a party is absent, the Tribunal/Labour Court will have to proceed as if, the other party is present and render a finding on merits. Dismissing the matter as default or setting the party exparte or passing a two line Award saying that, the witness has been examined, documents marked and perused the records and that, the person should be reinstated into service, is not an Award at all



in the eye of Law. Had the Petitioner filed a Petition under Section 17-B of the Industrial Disputes Act, 1947, this Court would have granted the last drawn wages till the date of superannuation.

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4. In view of the above, the Labour Court, in the light of Rule 34(9) of the Tamil Nadu Industrial Disputes Rules, 1958, shall not grant adjournments beyond seven working days at any point of time and decide the matter after issuing notice to the parties. In case, the workman is the Petitioner and if he/she is called absent, the Management is expected to effect paper publication. The Labour Court shall call for records from the Conciliation Officer and mark the same as Court Exhibits.

5. In view of the above, the Award of the Labour Court is set aside and the matter is remanded to the Labour Court for fresh disposal, within a period of six months. The Writ Petition is allowed on the above terms. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Presiding Officer,
Labour Court, Cuddalore.

W.P.No.28146 of 2004

UM(CO)
GN(16/08/2021)