

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.5902 OF 2021

AND

W.M.P.NO.6513 OF 2021

The Management,
Tamilnadu State Transport Corporation Villupuram Ltd.,
Kancheepuram Region, Ponnerikarai,
Bangalore National Highway,
Kancheepuram. ... Petitioner

Vs.

V.M.Velu ... Respondent

PRAYER:

The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the order dated 11.01.2019 in Industrial Dispute No.213 of 2018 on the file of the Presiding Officer, Labour Court, Kancheepuram, and to quash the same.

For Petitioner : Mr.C.S.K.Sathish
For Respondent : Mr.Pushpakaran

O R D E R

The order under challenge is the Award passed by the Labour Court in I.D.No.213 of 2018, dated 11.01.2019. The respondent raised an industrial dispute against his dismissal before the Labour Court.

2. The Writ Petitioner Management remained ex parte. The Labour Court has marked as many as 33 documents on the side of the employee. However, without recording any reasons, the order was set aside and a direction was issued to the Writ Petitioner Management to reinstate the respondent/workman with continuity of service, backwages and other attendant benefits.

3. Mr.Pushpakaran, learned counsel appearing on behalf of the respondent contended that the Writ Petitioner has already filed a petition to set aside the ex parte award. However,

failed to pursue the same. Therefore, the Labour Court has dismissed the petition to set aside the ex parte award filed by the Management. Even though he failed to pursue the remedy before the Labour Court, it is not open to the Management to approach this Court without depositing the amount.

4. I have considered the submissions made on either side.

5. At the outset, it is noted that the Labour Court has marked as many as 33 documents as Ex.W1 to Ex.W33. Even though the Labour Court has marked those documents, absolutely there is no discussion on merits. The Labour Court should have decided the issue as to whether the respondent/employee is entitled to the relief or not by way of a speaking order. But, the Award has been passed granting relief without recording reasons due to the absence of the respondent/Management. The Award as such is not sustainable and accordingly, the same is set aside.

6. A direction is given to the Labour Court to complete the trial within a period of three (3) months from the date of receipt of a copy of this order. The parties are directed to cooperate for expeditious trial. If the Writ Petitioner Management fails to pursue in spite of the direction of this Court, award can be passed ex-parte and the Labour Court can proceed to entertain the Execution Petition.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer, Labour Court, Kancheepuram.

+2cc to Mr.Pushpakaran, Advocate, S.R.No.14471

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.14608

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PMK (CO)
CS/24/03/2021