



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.33941 of 2013

and

M.P.No.1 of 2013

M/s.A.S.K.Agencies,
Hotel Sri Murugan Building,
No.56, Devi & Co. Lane, Coimbatore-18,
Rep. By its Managing Partner.

...Petitioner

vs.

1. The Central Government Industrial
Tribunal cum Labour Court,
Shastri Bhavan, First Floor,
Haddows Road, Chennai-600 006.
Rep. By its Presiding Officer.

2. S.Muthulakshmi

3. Indian Oil Corporation Limited,
Rep. By its Plant Manager,
Periyavetuva Palayam Post,
Sipcot, Perundurai, Erode.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the order dated 19.11.2013 in IA.No.73 of 2013 in I.D.No.96 of 2011 passed by the first respondent and quash the same as being illegal, arbitrary and unconstitutional.

For Petitioner : M/s.C.K.Chandrasekhar

For Respondents : Mr.V.Ajoy Khose for R2
R1 - Court
Mr.G.R.Balakumar for
M/s.T.S.Gopalan & Co., for R3

O R D E R

The order impugned in the present writ petition permitting to reopen the case for further evidence by examining a witness requires interference on the ground that it is a non-speaking order. The Interim Application in I.A.No.73 of 2013 in I.D.No.96



of 2011 seems to have been filed on 18.11.2013 and on 19.11.2013, the petitioner / Management had filed their counter affidavit also. It is the submission of Mr.C.K.Chandrasekhar, learned counsel appearing for the petitioner that he was also not heard while the order was passed. However, without reference to the counter affidavit and the objections raised therein, the impugned order has been passed. The present impugned order also does not reflect on the oral arguments advanced by any of the parties and as such, the order is deemed to be a non-speaking order.

2. In the light of the above observations, the Writ Petition stands allowed and the impugned order dated 19.11.2013 passed in I.A.No.73 of 2013 in I.D.No.96 of 2011 on the file of the first respondent is set aside and the matter is remitted back to the first respondent / Tribunal. The first respondent / Tribunal shall endeavour to dispose of the application, after consideration of the counter affidavit and extending an opportunity of oral hearing to both sides, as expeditiously as possible. No costs. Interim order already granted shall stand vacated and consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Presiding Officer,
The Central Government Industrial Tribunal cum Labour Court,
Shastri Bhavan, First Floor,
Haddows Road, Chennai-600 006.
2. The Plant Manager,
Indian Oil Corporation Limited,
Periyavetuvu Palayam Post,
Sipcot, Perundurai, Erode.

+1cc to M/s.T.S.Gopalan & Co, Advocate, S.R.No.54928
+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.54899

W.P.No.33941 of 2013

GJ(CO)
RGA(12/11/2021)