



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.16117 of 2021

and

W.M.P.No.18578 of 2021

The Management of Caterpillar
India Private Limited,
Rep. by its Authorised Signatory,
Melnallathur,
Thiruvallur - 602 004.

... Petitioner

-Vs-

1. The Deputy Commissioner of Labour,
(Conciliation) 2 - Addl. Charge,
Kuralagam, Esplanade,
Chennai - 600 108.

2. Mr.G.Anbalagan.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in A.P.No.926/2017 in Ref.No.616, 715, 730 of 2017 dated 06.03.2020 quash the same and direct the first respondent to provide an opportunity to this petitioner to adduce evidence on merits.

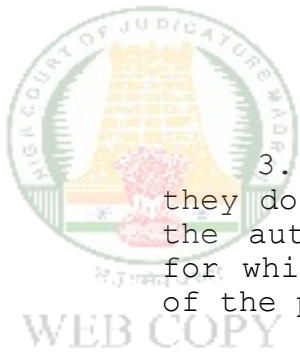
For Petitioner : Mr.Anand Gopalan for
M/s T.S.Gopalan & Co

For R2 : Mr.V.Ajay Khose

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The Management has challenged the order dated 06.03.2020 of the first respondent passed in A.P.No.926 of 2017, predominantly on the ground that no opportunity was extended to the Management when the aforesaid order was passed.



3. The learned counsel for the workman would submit that they do not have any objection if the matter is remanded back to the authority for extending an opportunity to the Management, for which purpose, this Court may fix a time limit for disposal of the proceedings.

4. In the light of the submission made, the impugned order dated 06.03.2020 on the file of the first respondent is quashed and the matter is remanded back to the first respondent herein for reconsideration. The first respondent herein shall endeavor to dispose of the proceedings within a period of three months from the date of receipt of a copy of this order, after extending due opportunity to both the Management as well as the workman or their representatives, while passing final orders.

5. The Writ Petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ata/hvk

To

The Deputy Commissioner of Labour,
(Conciliation) 2 - Addl. Charge,
Kuralagam, Esplanade,
Chennai - 600 108.

+1cc to M/s T.S.Gopalan & Co, Advocate, S.R.No.57083
+1cc to Mr.V.Ajay Khose, Advocate, S.R.No.57086
+1cc to the Government Pleader, S.R.No. 57617

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KSM(CO)
CT30/11/2021