



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.M.P. [MD]No.2366 of 2020

in

W.A. [MD]No.SR82337 of 2019

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1.The Management of
Poompuhar Shipping Corporation Ltd.,
No.692, Anna Salai, Nandanam,
Chennai - 600 035.

2.The Commissioner and Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.

... Petitioners

Vs.

1.K.K.Rajan
2.V.Gangai
3.P.Kumaresan
4.T.Chinna Pandaram
5.R.Rathinaswami Nadar
6.C.Madhavan Pillai
7.C.Ganapathi
8.K.Pushkala

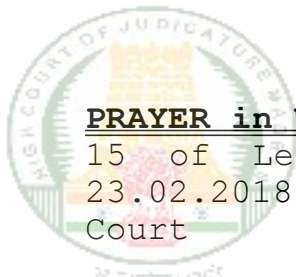
9.Sudha
10.Siva
11.Subramanian

12.The Management of Vivekananda
Rock Memorial & Vivekananda Kendra,
Vivekanandapuram,
Kanyakumari - 629 702.

13.The Presiding Officer,
Labour Court,
Tirunelveli - 627 002.

... Respondents

PRAYER in C.M.P.[MD]No.2366 of 2020: Petition filed under Section 5 of Limitation Act, praying to condone the delay of 607 days in filing the Writ Appeal against the order dated 23.02.2018 in W.P. [MD]No.3168 of 2015.



PRAYER in W.A.[MD]No.SR82337 of 2019: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 23.02.2018 passed in W.P.[MD]No.3168 of 2015. on the file of this Court

Prayer in WP(MD). 3168/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records relating to C.P. Nos. 1 of 2010 and 7 of 2011 on the file of the 4th respondent and Labour Court quash the common order, passed therein dated 10.11.2014 insofar as the 4th respondent has denied the full claim mad eby the petitioners in the claim petitions and cosnequently direct Respondents 1 to 3 to pay the entire claim made by the petitioners jointly and sverally with intrest at 12% p.a. to date of realization within a time frame.

For Petitioners	: No appearance
For Respondents 1,3,4,6 & 7	: Mr.K.M.Ramesh
For Respondent No.12	: Mr.M.Jerin Mathew
For Respondents 2, 5, 8 & 11	: No appearance

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This petition has been filed seeking condonation of delay of 607 days in filing the Writ Appeal against the order dated 23.02.2018 passed in W.P.[MD]No.3168 of 2015.

2.By the said order, the learned Single Bench had remanded the matter to the Labour Court with a direction to take up the computation petition afresh and undertake fresh computation exercise.

3.Mr.K.M.Ramesh, learned Counsel appearing for most of the private respondents / workmen submitted that the order and direction has been complied with by the Labour Court and the parties have let additional evidence and both sides have submitted their arguments and the workmen have submitted their written arguments and orders have to be pronounced by the Labour Court.

4.Thus, the order has been complied with and the order has worked itself out. Further, we find that there is a delay of 607 days in filing the writ appeal. Though, the affidavit filed in support of the delay petition is a 18 page affidavit, the so-called explanation is only in paragraph No.20 of the affidavit. On a reading of the same, we find that there is no sufficient cause for condonation of the inordinate delay.



5.Thus, for the above two reasons, the petition for condonation of delay is dismissed. Consequently, the Writ Appeal stands rejected in the SR stage itself.

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Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Presiding Officer,
Labour Court,
Tirunelveli - 627 002

Copy to
The VR Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1 CC to M/s.K.M.RAMESH, Advocate (SR-19410[F] dated 16/06/2021)

ORDER MADE IN
C.M.P. [MD]No.2366 of 2020
in
W.A. [MD]No.SR82337 of 2019

14.06.2021

_CN(21.06.2021) 3P 5C