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W.P.No.17285 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.03.2022

CORAM

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

W.P.No.17285 of 2012

The Management,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Vellore Region,
Rangapuram, Vellore – 632 009,
Rep.by its General Manager.

..Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,
Vellore District, Vellore.

2.N.Pilavamani

..Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records in I.A.No.7 of 2012 in I.D.No.55 of 2008 dated 14.03.2012 on the file of the Principal Labour Court, Vellore, Vellore District to quash the same.

For Petitioner : Mr.G.Saravanakumar

For Respondents : R1 - Court
Mr.R.Rajaram for R2



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ORDER

The present writ petition is against the order of the Labour Court, dismissing their application seeking to condone the delay of 839 days in setting aside the exparte Award, dated 14.03.2012.

2. The reason assigned in the application in I.A.No. 7 of 2012 for the delay is that since the petitioner Corporation had misplaced their case bundle, they could not appoint their counsel, which resulted in the exparte Award. Insofar as the delay is concerned, the reason assigned is that after tracing the case bundle, it was handed over to their advocate and since the advocate and his wife met with an accident and sustained head injuries with some memory loss, he could not trace the bundle.

3. The allegations in the affidavit filed in support of the application to condone the delay are very vague in nature. When the delay is 839 days, which by itself is inordinate in nature, there was a duty cast on the petitioner Management to set out reasons, date wise and explain each and every day's delay. The Labour Court had disbelieved the reasons assigned by the



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petitioner in the affidavit and had observed that the petitioner Management being a Transport Corporation ought to know every stage of the case and should follow the case in a careful manner and cannot blame their advocate. I am in agreement with the observation made by the Labour Court and therefore, I do not find any infirmity in the decision taken. Accordingly, no interference is required in the impugned order. Hence the writ petition stands dismissed. No costs.

4. In view of the dismissal order, the Management shall comply with the Award of the Labour Court passed in I.D.No.55 of 2008 dated 14.03.2012, within a period of six weeks, from the date of receipt of a copy of this order.

10.03.2022

Internet:Yes
Index:Yes/No
Speaking/Non-speaking order

Pns

M.S.RAMESH, J.



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To

The Presiding Officer,
Principal Labour Court,
Vellore District, Vellore.

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