



W.P.No.22736 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22736 of 2003
and W.P.M.P.No.28114 of 2003

1. Raman
2. R.Krishnan
3. R.Eswaran
4. R.Rajeswari
5. R.Ramesh

(P2 to P5 substituted as per
order dated 14.09.2023
in W.M.P.No.21081 of 2018
in W.P.No.22736 of 2003)

... Petitioners

Vs.

- 1.The Management,
Hopevilla Estate, Nagallur Post,
Yercaud - 636 802.

- 2.The Presiding Officer,
Labour Court, Salem.

- 3.Government of Tamil Nadu,
Represented by its Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorarified Mandamus, after



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calling for the records from the second respondent Labour Court relating to its order dated 30.06.2003 in I.A.No.3 of 2002 in I.D.No.212 of 2000 on the file of the second respondent, quash the same and consequently direct the first respondent to implement the award dated 13.06.2000 in I.D.No.212 of 2000 by granting all benefits due to the Petitioner with interest at 12% per annum award costs.

For Petitioner : Mr.K.M.Ramesh, Senior Counsel
For R1 : No appearance
For R2 : Court
For R3 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the second respondent, thereby allowing the petitioner to condone the delay of 497 days to set aside the exparte award passed by the second respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the third respondent and perused the materials available on record.



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3. The deceased petitioner raised an Industrial Dispute before the second respondent as against the order of dismissal. Though notice was served to the first respondent, the Management failed to appear before the Labour Court and as such, the Management was set exparte. The exparte award was passed on 13.06.2000. Thereafter, the first respondent Management came to knowledge about the exparte award and filed an application to set aside the exparte award with a delay of 497 days and it was allowed.

4. A perusal of the affidavit filed in support of the condone delay petition reveals that the reasons stated in the affidavit was satisfied and as such the Labour Court had rightly condoned the delay of 497 days in filing the petition to set aside the exparte award. Now, the petitioner died and the legal representatives of deceased petitioner have been substituted.



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5. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent in I.A.No.3 of 2002 in I.D.No.212 of 2000. However, the second respondent is directed to complete the proceedings in ID.No.212 of 2000, within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

14.09.2023
(4/4)

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
rjr/mn



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To

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Labour and Employment Department,
Fort St. George, Chennai - 600 009.



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G.K.ILANTHIRAIYAN, J.

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