



WEB COPY



WP.No.10170 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

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

W.P. No.10170 of 2004

and

W.P.M.P.No.11841 of 2004

M/s. Century Chemicals & Century
Minerals & Chemical Division,
Rep. by Vice President,
Century Bhavan, Dr. Annie Besant Road,
Werli, Mumbai – 400 025.

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Petitioner

Vs

1. The Presiding Officer,
I Additional Labour Court,
Chennai.

2. Ram Kumar

3. M/s. Century Chemicals,
Bhatted Complex, 2nd Floor,
30, West Cott Road, Royapettah,
Chennai – 600 014.
Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Certiorari to call for the records of the first respondent made in I.A.No.148 of 2003 in C.P.No.469 of 2002 dated 10.12.2003 and quash the same.



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For Petitioner : Mr.K.Sathish
for Mr.N.Umapathi

For R1 : Court

For R2 : Not ready in notice

For R3 : Dismissed vide order dt.21.06.2007

ORDER

This Writ Petition has been filed as against the order dated 10.12.2003 passed in I.D.No.148 of 2003 in C.P.No.469 of 2002 on the file of the first respondent, thereby dismissed the petition seeking direction to set aside the preliminary issue with regard to the maintainability of the claim petition filed by the first respondent.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The second respondent was appointed as Deputy Manager from 23.07.1999 on probation for a period of six months. Thereafter, he was confirmed on 23.01.2000. His duty was to supervise the procurement of orders who keep secrete and confidential matters, without disclosing any information know-how, discussions, contracts, plans,



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manufacturing process, finance, accounts, etc. He had also effect delivery through the consignment agency. Further, though he was looking after the marketing activities, his appointment was taking place and he also reported duty at Mumbai Office. The petitioner Company does not have any office at Chennai. Since the second respondent was acting against the interest of the petitioner Company, there was loss to the petitioner Company. Further the second respondent had conducted criminal complaints by the petitioner Company.

4. While being so, the second respondent have apprehending serious action from the petitioner Company submitted his resignation letter dated 16.06.2001. The petitioner relieved him from his service with effect from 12.07.2001 reserving its right to take action against the second respondent and claim damages. Therefore, the second respondent filed a claim petition as against the petitioner claiming a sum of Rs.1,24,859.73 with interest at the rate of 18% as salary due for the month of June and July 2001 and reimbursement dues. Pending claim petition, the petitioner filed a petition directing the first respondent to take the maintainability orders as a preliminary issue before taking the claim petition on the ground that the second respondent was appointed by the



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Mumbai Office by the second respondent main office is situated at Mumbai. The second respondent has no branch at Chennai. However, the second respondent has looking after the southern region and the second respondent has having office at Royapettah, Chennai. It was also provided with two phone numbers and Sales Tax number at Chennai. Therefore, the second respondent respondent can very well file a petition before the first respondent and the first respondent has rightly rejected the claim petition filed by the second respondent.

5. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent. Thus the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index:Yes/No
Internet:Yes/No
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To

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G.K.ILANTHIRAIYAN,J.

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