



W.P.Nos.27012 to 27034 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.27012 to 27037 of 2010
M.P.No.1 of 2010 (26 Nos.)

W.P.No.27012 of 2010:-

The Management of Pentafour
Projects & Securities Ltd.,
Thaiyur Chenganmal Village & Post,
Kelambakkam, Chengleput,
Kancheepuram District,
Rep. by its Former Executive.

...Petitioner

-Vs-

1. The Presiding Officer,
Second Additional Labour Court,
Chennai.
2. S.Rose,
C/o.T.Feen Walter,
Advocate,
No.162, Thambhu Chetty Street,
II Floor, Chennai – 600 001.
3. The Management of Pentafour
Software & Exports Ltd.,
Thaiyur Chenganmal Village & Post,
Kelambakkam, Chengleput,
Kancheepuram District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records connected with I.A.Nos.104 & 105 of 2010 in I.D.No.195 of 1998 on the file of the first respondent and to quash common order dated 21.07.2010 made therein.

In all W.Ps.

For Petitioner : No appearance

For Respondents

R1 : Court

For R2 & R3 : No appearance

COMMON ORDER

These Writ Petitions have been filed as against the order passed by the first respondent viz., Labour Court, thereby dismissing the petition to condone the delay in filing the petition to set aside the exparte order.

2. The petitioner's company was carrying on its business of supervising the construction work of the third respondent by engaging labourers on contract basis. Those who are being engaged as casual and their temporary employment is co-terminus with the contract work entrusted with them by third respondent. After completions of



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assignment of construction work by the petitioner with the third respondent premises, the service of the petitioner company came to end on 30.09.1995. Thereafter, the petitioner company terminated the service of the personnel engaged for the said work and they were settled fully.

3. Thereafter, the petitioner company became defunct and they had no prospects of getting new business. Therefore, the workmen who were disengaged by the petitioner company raised dispute before the first respondent. However, the petitioner company was set exparte for its non-appearance. In order to set aside the exparte order, the petitioner filed application to set aside the exparte order along with the condone delay petition to condone the delay of 2474 days in filing the petition to set aside the exparte order. The said application was dismissed by the first respondent on the ground that no sufficient reasons were stated by the petitioner. Aggrieved by the same, the petitioner company filed the present writ petitions.

4. On perusal of the affidavit filed in support of the condone delay petition, no reasons were stated by the petitioner to condone the



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huge delay of 2474 days. Therefore, the first respondent rightly dismissed the said petitions and this Court finds no infirmity or illegality in the order passed by the first respondent.

5. Accordingly, all the Writ Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

21.08.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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G.K.ILANTHIRAIYAN. J.

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