



WEB COPY



W.P.No.23331 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.23331 of 2023

and

WMP.No.22870 of 2023

Management of Tenon Properties Services Pvt. Llt.,
(Presently changed to Tenon Facility Management India Pvt. Limited),
Rep. by its Assistant Manager HR Mr.S.Karthikeyan,
No.15, 1st Floor, Nehru Nagar, 1st Link Road,
Kottivakkam, Chennai – 600 041.

...Petitioner

Vs.

P.Kothandaraman

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records and set aside the order dated 28.02.2023 in I.A.No.1 of 2022 in I.D.No.687 of 2018 passed by the Hon'ble Labour Court, Kancheepuram and to proceed with the trial in the main I.D.No.687 of 2018 on the file of Labour Court Kancheepuram.

For Petitioner : Mr.G.Dhamodaran



W.P.No.23331 of 2023

ORDER

This Writ petition has been filed seeking quashment of the order dated 28.02.2023 in I.A.No.1 of 2022 in I.D.No.687 of 2018, passed by the Labour Court, Kancheepuram and to consequently, proceed with the trial in the main I.D.No.687 of 2018.

2. The case of the petitioner is that pursuant to the summon dated 15.12.2021 received from the Labour Court, Kancheepuram in C.P.No.113 of 2021, the petitioner company came to know that, the respondent/workman raised an industrial dispute in I.D.No.790 of 2015 on the file of the II Additional Labour Court, Chennai, challenging the dismissal order passed against him and the same was subsequently transferred to Labour Court, Kancheepuram and was renumbered as I.D.No.687 of 2018 and an *ex-parte* award dated 04.01.2019 came to be passed, directing the petitioner management to reinstate the respondent with continuity of service, back wages and other benefits. Immediately, the petitioner company filed an application in I.A.No.1 of 2022 in I.D.No.687 of 2018, seeking to condone the delay in filing petition to set aside the *ex-parte* award dated 04.01.2019, however, the labour Court, rejected the same, vide order dated 28.02.2023.



W.P.No.23331 of 2023

Challenging the same, the petitioner has come up with this Writ petition.

WEB COPY

3. Learned counsel for the petitioner submitted that, though one Arjun, common security staff of the premises received the summons and handed over the same to one Vijay Adirao, Senior Executive of the petitioner management, the said Vijay Adirao had failed to hand over or intimate the same to the petitioner management, as he resigned the job due to some health reasons. Further, as the petitioner company shifted its office to Kottivakkam and have also changed its name from Tenon Properties Services Pvt. Ltd., to Tenon Facility Management India Pvt. Limited, the petitioner company was not aware of any of the Court proceedings. He further submitted that, though the respondent raised an Industrial Dispute, seeking to reinstate the respondent by setting aside the termination order passed by the petitioner management, there are various grounds available on the part of the petitioner management for denying reinstatement of the respondent, however, the same was not adjudicated by the labour court, as no opportunity was provided to the petitioner management to substantiate their claim. However, he fairly submitted that, this Court may fix a reasonable cost to be paid to the workmen for the delay caused in filing the



W.P.No.23331 of 2023

petition to set aside the *ex-parte* award dated 04.01.2019 and accordingly, prayed for appropriate orders.

4. Though notice was served on the respondent and his name was also printed in the cause list, there was no representation on behalf of the respondent. Hence, this Court is inclined to dispose of this Writ petition with the documents available on record.

5. Admittedly, the respondent raised a dispute for reinstatement, in which an *ex-parte* award dated 04.01.2019 came to be passed. Upon knowing the same, the petitioner company filed I.A.No.1 of 2022 in I.D.No.687 of 2018, seeking to condone the delay in filing petition to set aside the *ex-parte* award dated 04.01.2019, however, the labour Court, rejected the same, vide present impugned order dated 28.02.2023.

6. However, as the petitioner management itself came forward to pay a sum of Rs.75,000/-, towards the cost to be paid to the workmen for the delay caused in filing set aside petition, this Court, directs the petitioner management to deposit a sum of Rs.75,000/- in I.D.No.687 of 2018 on the



W.P.No.23331 of 2023

file of the Labour Court, Kancheepuram within a period of two weeks from the date of receipt of a copy of this order. Upon such deposit, the Labour court shall reopen the main ID by setting aside the *ex-parte* award dated 04.01.2019 the delay and thereafter, shall take up the main I.D.No.687 of 2018 on merits and shall pass orders in accordance with law within a period of twelve weeks, after affording sufficient opportunity to the petitioner as well as the respondent.

7. Accordingly, this Writ Petition stands disposed of with the aforesaid directions. No costs. Consequently, connected Miscellaneous petition is closed.

29.08.2023

skt

NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

.

5/6



WEB COPY



W.P.No.23331 of 2023

M.DHANDAPANI., J.

skt

W.P.No.23331 of 2023
and
WMP.No.22870 of 2023

29.08.2023