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W.A.No.280/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 27-01-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.No.280 of 2023

The General Secretary,
Greeta Musical Instruments
Manufacturing and Exports Pvt.Ltd.
Tamil Nadu Industrial General Workers Union...

Appellant

-VS-

1.The Management of Greeta Musical Instruments
Manufacturing and Exports Pvt.Ltd.

2.M/s.Ramaneeyam Builders
3.M/s.Enrique Keller India Private Limited. ...

Respondents

Appeal is filed under under Clause 15 of the Letters Patent against the order, dated 14.10.2022, passed in W.P.No.26006 of 2019, on the file of this Court.

For Appellant : Mr.P.Solomon

For Respondents : No appearance

**JUDGMENT**

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The appellant Union, who is aggrieved over the order of the learned single Judge, dated 14.10.2022, passed in W.P.No.26006 of 2019, remanding the matter to the Labour Court, has filed this appeal.

2. The contention of the appellant is that the management has erroneously submitted before the learned single Judge that the company has been closed down, while the very same Directors are running the very same company with a different name and at a different place and, if given an opportunity, they would establish the same before the Labour Court.

3. Since other points have not been proved as could be seen from the order, even though it is stated by the learned counsel for the appellant that there was a delay of four years on the part of the management in approaching the Writ Court challenging the award of the Labour Court, we are not inclined to accept the said contention, as if such a plea has been taken and not answered. The only remedy available to the appellant is to file a review before the Labour Court and not to address the case on merits before this Court, more so, in the light of Paragraphs 6 and 9 of the order of the learned single judge, which are extracted below :



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"6. In this regard, the learned counsel for the respondent-employees made a submission that they are ready to establish the said facts before the Labour Court.

xxxx

9.The learned counsel for the respondent-employees has no serious objection for remanding the matter back to the Labour Court."

4. Hence, we find no merit in this Writ Appeal, which is, accordingly, dismissed. This order will not preclude the appellant from filing a review before the Labour Court, if they are so advised. If the appellant files a review before the Labour Court, to whom the matter is remanded, it is expected to take up the matter and deal with the same on day-to-day basis, without adjourning it beyond seven working days at a time, and bring the issue to its logical end. No costs. Consequently, the connected C.M.P.No.2875 of 2023 is closed.

Index : Yes/No

(J.S.N.P.,J.)

Internet : Yes/No

Speaking / Non-speaking Order
dixit

(S.V.N.,J.)

27-01-2023



WEB COPY

4/4



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S.VAIDYANATHAN,J.
AND
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dixit

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