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W.A.No.519/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 14-02-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.No.519 of 2021

A.Paranthaman

...

Appellant

-VS-

1.The Presiding Officer,
Principal Labour Court,
Vellore.

2.The Management of MRF Limited ...

Respondents

Appeal is filed under under Clause 15 of the Letters Patent against the order, dated 10.01.2017, passed in W.P.No.733 of 2017, on the file of this Court.

For Appellant : Mr.K.Sudalaikannu

For Respondent 2 : Mr.M.Vijayan,
for M/s.King & Partridge.



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JUDGMENT

This appeal has been preferred against the order of the learned single Judge, dated 10.01.2017, passed in W.P.No.733 of 2017.

2. Appellant-employee joined the service of the second respondent-management on temporary basis on 21.04.1994 and was confirmed with effect from 01.01.1998. Not satisfied with the explanation to the Charge Memo, dated 02.03.2004, the respondent dismissed the appellant from service, after a detailed inquiry. In an industrial dispute raised questioning the said dismissal, the appellant approached the Labour Court, after failure of conciliation, and the Labour Court passed a preliminary order on 06.07.2011 with regard to the fairness of the inquiry and final award was passed on 28.06.2012 in I.D.No.161 of 2006. The appellant approached this Court by way of a writ petition in W.P.No.733 of 2017 after a delay of four years in questioning the award and the writ petition affidavit was dated December,2016.

3. When there is a long delay of four years in filing the writ petition questioning the award, the Supreme Court, in similar circumstances, in *Chennai Metropolitan Water Supply and Sewerage Board v. T.T.Murali Babu*, 2014 (4) SCC 108, has held that the Constitutional Court cannot, without adequate reasons, try to help the person, who has approached the Court belatedly, and that the delay is fatal. Accordingly, the Apex Court has set aside the order of the High Court in entertaining



the writ petition. The Supreme Court has further held therein that the Writ Court is not expected to show indulgence to such indolent persons. Though the said decision has been delivered in the context of service law, the same principle applies to the facts of this case as well, as there is a delay of four years in approaching this Court, questioning the award of the Labour Court.

4. Writ Appeal is, therefore, dismissed. No costs. Consequently, the connected C.M.P.No.2041 of 2021 is closed.

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking Order
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(S.V.N.,J.) (R.K.M.,J.)
14-02-2023

To

The Presiding Officer,
Principal Labour Court,
Vellore.



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S.VAIDYANATHAN,J.
AND
R.KALAIMATHI,J.

dixit

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