



W.P.(MD)Nos.11346, 11355, 11395, 11399, 11423, 11424 & 11437 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)Nos.11346, 11355, 11395, 11399, 11423, 11424 and
11437 of 2020**

and

**W.M.P.(MD)Nos.9933, 9945, 9971, 9974, 9998, 10000, 10007 of 2020,
2124, 2128, 2131, 2132, 2134 and 2138 of 2022**

W.P.(MD)No.11346 of 2020

The Management
M/s.Geometric Engineering Construcion (P) Ltd.,
Kalloothu Site Alangulam,
Tirunelveli District.
Rep. by its HR and Admin.

: Petitioner

Vs.

N.Mohandhas

: Respondent



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the Labour Court, Tirunelveli in I.A.No.01 of 2019 in C.P.No.32 of 2018 dated 23.03.2020 and quash the same as illegal.

For Petitioner : Mr.M.E.Ilango
For Respondent : Mr.K.Hemakarthikeyan

COMMON ORDER

These writ petitions have been filed to quash the impugned order passed by the Labour Court, Tirunelveli, dated 23.03.2020.

2. The learned counsel appearing for the petitioner would submit that the private respondents made a claim under Section 33(c) of the Industrial Disputes Act, 1947. Since on the ground that the petitioner Management orally terminated the private respondent and subsequently, the petitioner management filed I.A. under Section 35(2) of the Industrial Disputes Act, to consider the preliminary issue as to whether the claim made



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by the private respondent is maintainable or not and to decide whether the private respondent is a workman in terms of 2 (s) of the Industrial Disputes Act. However, the Labour Court rejected the petitioner's claim stating that the claim made in I.A. has to be considered along with main application filed by the private respondent.

3. In view of the above, the learned counsel appearing for the petitioner further submitted that without interfering with the order impugned in this writ petition, this Court may issue a direction to the Labour Court to conclude the 33(c)(2) petition filed by the private respondent and conclude the claim filed by the private respondent within the time limit as fixed by this Court.

4. The learned counsel appearing for the respondents have no serious objections.

5. Considering the limited request made by the learned counsel for the petitioner, the petitioner is directed to file appropriate counter within a



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period of four weeks from the date of receipt of copy of this order, before the Labour Court, Tirunelveli, where the claim petitions are pending and thereafter, the Labour Court is directed to conclude the entire proceedings within a period of three months from the date of filing the counter.

6. With the above directions, these writ petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

To

The Presiding Officer,
Labour Court,
Tirunelveli.



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M.DHANDAPANI, J.

RM

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