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W.A.No.1701 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.1701 of 2013

Shanmugasundaram

... (2nd Respondent)/Appellant

Vs.

1.Perayar Primary Agriculatural
Co-operative Bank Ltd. rep by
its Special Officer,
Perayar, Nagapattinam District.

2.The Presiding Officer,
Labour Court, Cuddalore.

... (Writ Petitioner & 1st Respondent)/Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to
set aside the order dated 20.02.2013 in W.P.No.43065 of 2002.

For Appellant : Mr.N.Thiagarajan

For Respondents : Mr.S.V.Durai Solaimalai for R1
Labour Court - R2

JUDGEMENT



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(Judgement of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order of a learned Single Judge of this Court made in W.P.No.43065 of 2002 dated 20.02.2013.

2. The appellant herein, while in services under the first respondent / Management, was dismissed from services on certain leveled charges. When he had challenged the order of dismissal before the Labour Court, Cuddalore in ID.No.75 of 1997, the first respondent / Management was set ex parte therein, and through an order dated 12.12.1997, an ex parte award came to be passed, directing the first respondent / Management to reinstate the appellant herein together with back wages and continuity of services.

3. The first respondent herein had challenged the ex parte award before a learned Single Judge of this Court in W.P.No.43065 of 2002 and vide order dated 20.02.2013, the learned Single Judge had set aside the ex parte award of the Labour Court and imposed cost of Rs.5,000/- to be paid by the first respondent / Management to the appellant herein. This order is being put under challenge by the appellant herein in this appeal.



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4. Heard Mr.N.Thiagarajan, learned counsel for the appellant and Mr.S.V.Durai Solaimalai, learned counsel appearing for the first respondent and have perused the materials available on record.

5. The learned counsel for the appellant submitted that the first respondent / Management has not paid the amount of Rs.5,000/- as on date and therefore, the order of the learned Single Judge requires to be set aside.

6. On the contrary, the learned counsel for the first respondent submitted that the Management had sent the amount of Rs.5,000/- by way of demand draft to the appellant herein, which was returned. This reply is also ratified by the learned counsel for the appellant, stating that since he had preferred an appeal, the appellant had returned the cost.

7. Apart from the submission of the learned counsel for the appellant, there is no other ground taken in this Writ Appeal as to why the order of the learned Single Judge should be interfered with. When admittedly, the Management had tendered the amount to the appellant



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which was refused by him, it cannot be said that the Management has failed to pay the cost.

8. In this background, we do not find any infirmity or illegality in the findings of the learned single judge. Accordingly, this Writ Appeal stands dismissed. No Costs. The Labour Court shall endeavor to conclude the proceedings in I.D.No.75 of 1997 as expeditiously as possible, in any event, within a period of six (6) months from the date of receipt of a copy of this order.

[M.S.R., J]

[C.K., J]

20.08.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Anu

To

The Presiding Officer,
Labour Court, Cuddalore.



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M.S.RAMESH, J.
and
C.KUMARAPPAN, J.

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