



W.P.No.11734 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.11734 of 2011

and

M.P.No.1 of 2011

V.Ramachandran

...Petitioner

Vs

1.The Labour Court, Cuddalore,
rep. by its Presiding Officer,
Cuddalore.

2.Co-Optex Limited,
Rep. by its Managing Director,
Head Office, No.350, Pantheon Road,
Egmore, Chennai -600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Order dated 15.11.2007 passed in A.P.No.1 of 2000 made by the 1st respondent Labour Court and quash the same and hold that the action of the 2nd respondent is erroneous and unjust and direct the respondent to grant all the service benefits due to the petitioner until his superannuation.

For Petitioner : Mr.C.K.Chandrasekar



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For Respondents : Labour Court (For R1)
Mr.N.Thiagarajan (For R2)

ORDER

The Writ Petition is filed for quashing the Order dated 15.11.2007 passed in A.P.No.1 of 2000 made by the 1st respondent Labour Court hold that the action of the 2nd respondent is erroneous and unjust and direct the respondent to grant all the service benefits due to the petitioner until his superannuation.

2.Learned counsel for the petitioner submitted that 2nd respondent passed an order of recovery against him in respect of time barred collection dues, in connection with the sales at Cuddalore office. Therefore, petitioner raised I.D.No.102 of 1997 against the recovery. During the pendency of the Industrial Dispute, the management foisted certain charges and conducted four disciplinary proceedings for the alleged insubordination, failure to report to duty, not staying in Bangalore during suspension and misappropriation of gunny bags. Petitioner submitted a representation dated 12.11.1997. After a farcical enquiry, he was dismissed from service on 11.04.2000.

2.1.He further submitted that the Management filed a Approval



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Petition in A.P.No.1 of 2000 in ID.No.102 of 1997. This Approval Petition was pending for more than 7 years. After filing Approval Petition and keeping it pending for more than 7 years, respondent filed a petition for withdrawal, on the ground that petitioner is not a workman. On 15.11.2007, Labour Court permitted to withdraw the Approval Petition, on the ground that petitioner is not a workman and also on the ground that he should have raised a separate Industrial Dispute. The order permitting the withdrawal of the Approval Petition in A.P.No.1 of 2000, after keeping it pending for more than 7 years by awarding a minimum costs of Rs.1000/- is challenged. Learned counsel for the petitioner seeks enhancement of the costs.

3.In response to the submissions, learned counsel for the respondents submitted that after finding that petitioner is not a workman, the Approval Petition was not prosecuted. Learned Labour Judge on considering the relevant materials, permitted withdrawal of the petition by imposing a costs of Rs.1000/-, which is just and appropriate. Thus, he prays for dismissal of this Writ Petition.



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4.Considered the submissions and perused the records.

5.In the light of the submissions of the learned counsel for the parties, and on a limited scope, where petitioner seeks only enhancement of the costs imposed for permitting the withdrawal of the Approval Petition in A.P.No.1 of 2000, this Court considered the materials on records.

6.As rightly pointed out by the learned counsel for the petitioner that the I.D.No.102 of 1997 was pending from 1997 and Approval Petition was filed and pending from 2000. Only in 2007, on the petition filed by the respondent to withdraw the Approval Petition, order has been passed permitting the withdrawal of the Approval Petition in A.P.No.1 of 2000. Considering the long duration of pendency, harassment caused to the petitioner and expenses incurred by him in attending the Court hearings, this Court is of the view that awarding of costs of Rs.1000/- is very low.

6.1.Taking into consideration all the relevant aspects, especially the



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long duration of pendency of the A.P.No.1 of 2000 and expenses incurred by the petitioner in attending the Court hearings, this Court enhances the costs imposed from Rs.1000/- to Rs.10,000/-. Thus, this Writ Petition is disposed of, enhancing the costs ordered in A.P.No.1 of 2000 from Rs.1000/- to Rs.10,000/-. The costs must be paid within a period of two months from the date of receipt of a copy of this Order.

7.With the above direction, this Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

19.01.2024

Index: Yes/No
Speaking order/Non-speaking order
gd

G.CHANDRASEKHARAN, J.



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To

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