



W.P.No.21373 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.21373 of 2006

The Management of Sulochana
Beverages Pvt. Ltd.,
Rep.by its Director D.Chandrasekaran

... Petitioner

Vs.

M.Gopi (Deceased)
1.Anjala
2.Sudhakar
3.Radhika
4.Rekha
(RR1 to 4 are impleaded as legal heirs
of the deceased workman)

5.The Presiding Officer,
II Additional Labour Court,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order in I.D.No.629 of 1992 dated 26.03.2001 passed by the 2nd respondent and quash the same.



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For Petitioner : No appearance

For Respondents : Mr.K.Elango for RR1 to 4
R5 – Labour Court

ORDER

This Writ Petition is filed challenging the records relating to the Award passed by the 5th respondent in ID No.629 of 1992, dated 26.03.2001.

2. It is seen that the learned counsel appearing on behalf of the petitioner - Management has since passed away and notice to the petitioner was ordered. Even the private notice which was taken out by the learned counsel for the respondents 1 to 4 was returned with an endorsement that 'no such person in the said address'. Even the Court notices repeatedly sent, have been returned with such endorsement only.

3. The petitioner is not an individual, but it is a corporate entity. Therefore, it is responsible for the Writ Petition filed by it. Even, the learned counsel is not there, the petitioner - Management ought to take care and follow up the matter. Today the name of the petitioner – Management is also printed



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in the cause list. Therefore the case is taken up for disposal on merits.

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4. Mr. K.Elango, the learned counsel appearing on behalf of the respondents 1 to 4, would submit that this Writ Petition also arises with reference to one of the common awards passed by the Labour Court. In an identical matter, the very same management had challenged independently each of the award and the connected Writ Petitions in W.P.Nos.13488 of 2006 etc., were already disposed of by this Court by a common order dated 15.10.2019.

5. On a perusal thereof, it can be seen that since the award is of the year 2001 and the Writ Petitions were very belatedly filed only in the year 2006, this Court had dismissed the said Writ Petitions, on the ground of laches. It is essential to extract paragraph Nos.6 and 7 of the set the order which reads as follows:-

“6.This Court is of the considered opinion that the said ground raised by the first respondent/workmen is to be considered, as the awards were passed in the year 2001 and the writ petitions were filed after a lapse of five years from the date of passing of the award. This being the factum, these writ petitions are liable to be rejected on the ground of laches.

7.Accordingly, the writ petitions stand dismissed. No



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costs. Consequently, connected miscellaneous petition is closed.”

6. In view thereof, this Writ Petition is also disposed of, on the same terms. No costs.

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Neutral Citation: No

To
The Presiding Officer,
II Additional Labour Court,
Chennai.



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D.BHARATHA CHAKRAVARTHY, J.,

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