



WEB COPY



W.P.No.25981 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.25981 of 2011

S.Mathes

... Petitioner

-Vs-

1. The Presiding Officer,
The Labour Court,
Cuddalore.

2. The Management Tamil Nadu State Transport Corporation,
Villupuram. ... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records in I.A.No.173 of 2010 in I.D.No.81 of 2001 dated 08.03.2011 issued by the 1st respondent and quash the same.

For Petitioner : Mr.V.Illanchezian

For Respondents : R1-Court

No appearance [R2]

ORDER

This writ petition has been directed against the order passed by the Labour Court, Cuddalore in I.A.No.173 of 2010 in I.D.No.81 of 2001.



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2. The writ petitioner herein had filed the said I.D.No.81 of 2011 against the second respondent/Management to set aside the dismissal order and to reinstate the petitioner with continuity of service, backawages and other attendant benefits.

3.The Industrial Dispute i.e., ID was posted for hearing on 22.01.2008 for enquiry and on that day, since no one was appeared on behalf of the petitioner, it was again posted on 05.02.2008, even on that date also there has been no representation on behalf of the petitioner and his counsel also did not appear.

5. Therefore, the Labour Court having taken note of the evidence that was adduced on behalf of the Management and considering the claim that has been made by the writ petitioner, who raised the industrial dispute passed the order on merits on 14.02.2008, by which, the ID was dismissed. After the award was passed, the same has also been published in the official gazette.

6. However, after 719 days, the petitioner had come forward to file the present interlocutory application to set aside the order passed on



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14.02.2008 and to restore the ID. Since there has been 719 days delay, the present interlocutory application was filed, where on perusal, this Court finds that, no reason given except to state that on 14.02.2008 the petitioner was suddenly ill, therefore he could not appear before the Court and to that extent, the Doctor's certificate given by the petitioner was ear-marked as Ex.P1.

7. Assuming that on that date, the petitioner could not appear before the Court because of his illness subsequently, what made him wait for 719 days even to file the interlocutory application to set aside the order has not been explained.

8. That apart, the order passed by the Labour Court on 14.02.2008 is not merely on the basis of default but only on merits.

9. If at all any order is passed on merits, as against which, the petitioner can very well agitate the issue by filing the writ petition, instead he had chosen to file the interlocutory application with a delay of 719 days, for which the present interlocutory application was filed without any acceptable reason, therefore, the Labour Court having



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considered the merits of the case rejected the IA through the order dated 08.03.2011.

10. Having gone through the said order and after finding the reasons that has been stated by the learned Judge in rejecting the said application filed with 719 days delay, not only for condonation of delay but also for the main relief to set aside the order passed on 14.02.2008, since the petitioner has not given any plausible reason, the learned Judge has come to a right conclusion that the petition is liable to be rejected. Accordingly, he rejected the said application and the finding reached by the learned Judge does not warrant any interference for the reasons stated above. Hence, the writ petition fails and accordingly, it is dismissed. No costs.

11.01.2024

Index : Yes/No
Speaking order: Yes/No

mp

To

The Presiding Officer,
The Labour Court,
Cuddalore.



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R. SURESH KUMAR, J.

mp

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