



W.A.No.863 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

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**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE P.DHANABAL**

W.A.No.863 of 2022

N.Mohandoss

... Appellant

Vs.

1.The Management of Darasuram,
Agriculture Service Co-op.Bank Ltd.,
Rep.by its Special Officer,
Darasuram, Kumbakonam Taluk,
Thanjavur District.

2.The Presiding Officer,
Labour Court, Cuddalore.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters patent to set aside the order of the learned Judge made in W.P.No.37399 of 2004 dated 08.07.2021.

For Appellant : Mr.L.Chandrakumar
For R1 : Mr.R.Satish Kumar



W.A.No.863 of 2022

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J U D G M E N T

(Judgment of the Court was made by J.NISHA BANU,J.)

This Writ Appeal has been filed against the order made in W.P.No.37399 of 2004, wherein, the learned Judge has confirmed the order of the Labour Court in rejecting the condone delay petition to restore I.D.No.253 of 1992, on file.

2. Facts of the case is that admittedly there is a delay of 2699 days in filing the condone delay petition to restore I.D.No.253 of 1992, which was dismissed for default on 14.08.1996. Against which, the appellant has filed W.P.No.37399 of 2004, praying to set aside the exparte order dated 14.08.1996. The said writ petition also got dismissed on 08.07.2021. Challenging the same, the present Writ Appeal is filed.

3. The learned counsel for the appellant submitted that since the appellant was convicted for an offence under Section 302 I.P.C. and confined in the Trichy Central Jail as a life convict, he could not able to be present before the Lower Court for enquiry in the I.D. However, the Lower Court dismissed the said I.D., for default on 14.08.1996.



W.A.No.863 of 2022

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Thereafter, the conviction was set aside and the appellant got acquitted from the said crime on 02.10.2003. Immediately on coming to know about the exparte order in I.D.No.253 of 1992 , he approached the Lower Court and filed a petition to condone the delay in restoring I.D.No.253 of 1992.

4. The learned counsel for the 1st respondent submitted that the appellant was on bail from 10.08.1998 and at that point of time, he could have filed the petition to restore the I.D., Therefore, the Tribunal and the learned Single Judge of the Writ Court, considering all the factual aspects, has rightly dismissed the condone delay petition, which need not be interfered by this Court.

5. The appellant has been remanded to judicial custody and he was in jail. Though the petitioner was on bail, conviction could not have been allowed him to concentrate on other matters. Though the delay is very enormous, taking into consideration the fact that he has filed the restoration application within four months of acquittal, we would feel it appropriate that the delay should be condoned.



W.A.No.863 of 2022

J. NISHA BANU, J.
and
P.DHANABAL, J.

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6. Accordingly the delay of 2699 days in filing the condone delay petition to restore I.D.No.253 of 1992, is condoned with cost of Rs.5,000/- (Rupees Five Thousand only). The said amount shall be paid to the 1st respondent. The 2nd respondent is directed to dispose of the I.D.No.253 of 1992 after restoration, within a period of six months from the date of receipt of a copy of this order. The Writ Appeal is allowed on the above terms. No costs.

(J.N.B,J.) (P.D.B., J.)
11.06.2024

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

W.A.No.863 of 2022