



WEB COPY

W.A.No.2140 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM :

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

W.A.No.2140 of 2024

V.Pazhani

... Appellant

Vs.

The Plant Head,
MRF Limited P.B.No.1,
Eripakkam, Nettapakkam Commune,
Puducherry.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the impugned order of this Court dated 07.02.2024 passed in WP.No.23668 of 2021 and thereby allow this Writ Appeal.

For Appellant : Mr.K.Sasindran

For Respondents : No appearance

JUDGMENT

(Judgment of the Court was made by *M.S.RAMESH, J.*)

When the appellant herein went on an unauthorized absence, the respondent had subjected him to disciplinary action and ultimately, the



W.A.No.2140 of 2024

order of dismissal was passed. Challenging the same, he had raised an industrial dispute in I.D.(L).No.39 of 2015 before the Industrial Tribunal cum Labour Court, Puducherry. However, the above I.D. was dismissed for default. After about 998 days, when he had filed an application in I.A.No.1 of 2019, seeking to condone the delay in filing an application to restore the industrial dispute, citing medical reasons for his absence, the same was dismissed on 26.08.2021. Challenging the above I.A., the appellant had filed a Writ Petition in W.P.No.23668 of 2021, which was also dismissed on 07.02.2024, which order has been put under challenge in the present appeal.

2. The learned counsel for the appellant submitted that owing to certain medical illness, the appellant could not be present before the Court and in support of such a statement, he had produced a medical certificate which evidences that the appellant was admitted as an inpatient on 25.06.2017 and was discharged on 07.08.2017. In this background, the learned counsel would submit that the learned Single Judge had not appreciated the medical ailment of the appellant and therefore, he sought for setting aside the order of the learned Single Judge.



W.A.No.2140 of 2024

3. When the appellant had come out with a specific case that he could not file an application to condone the delay in filing the restoration application in time, owing to certain medical reasons, he ought to have substantiated before the Labour Court such a reason, by producing the relevant medical records. Furthermore, even while the appellant was undergoing some medical ailment, nothing prevented his counsel on record to either appear before the Labour Court in time, or to file an application for condonation of delay within a reasonable time. The Labour Court had taken into account both these reasonings and declined to condone the delay of 998 days, which cannot be found fault with.

4. This apart, the appellant had produced certain medical records before the learned Single Judge in the Writ Petition, as well as before this Bench in the present appeal. A perusal of the medical certificate would reveal that the medical treatment which the appellant was undergoing, relates to the period between 25.06.2017 and 07.08.2017, whereas the industrial dispute came to be dismissed for default way back on 31.01.2017 itself.



W.A.No.2140 of 2024

WEB COPY

5. There is absolutely no explanation, as to why the appellant could not file an application after 31.01.2017? Except for a brief period of 44 days between 25.06.2017 and 07.08.2017, he has not rendered any explanation for the remaining period. Even otherwise, the production of the medical certificate before the learned Single Judge or this Bench, will be of no avail since the same ought to have been produced before, in the Court of the first instance, namely the Labour Court, which had dealt with the delay petition.

6. The learned Single Judge had taken all these factors into account and after perusal of the records, had observed that the appellant herein did not produce any appropriate evidence for condoning the delay of 998 days and accordingly, dismissed the Writ Petition.

7. Hence, we do not find any infirmity or illegality in the findings of both the Labour Court, as well as the learned Single Judge. Thus, there are no merits in the present appeal.



W.A.No.2140 of 2024

WEB COPY

8. Accordingly, this Writ Appeal stands dismissed. No costs.

[M.S.R., J]

[C.K., J]

06.08.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Sni

To

The Plant Head,
MRF Limited P.B.No.1,
Eripakkam, Nettapakkam Commune,
Puducherry.



WEB COPY



W.A.No.2140 of 2024

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

Sni

W.A.No.2140 of 2024

06.08.2024