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W.P.No.30451 of 2023
and W.M.P.No.30062 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.30451 of 2023
and W.M.P.No.30062 of 2023

The Management of Dynamatic Technologies Limited,
JKM Wind Farm Division, 12 Maga Vat,
Varapatty Village, Sulur Taluk,
Palladam, Coimbatore. ...

Petitioner

versus

Workmen of Dynamatic Technologies Limited,
Through United Labour Federation,
Represented by its Secretary,
No.149, Thambu Chetty Street,
4th Floor, C.J.Complex,
Chennai - 600 001. ...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records on the file of the Additional Labour Court, Coimbatore and to quash the order dated 25.08.2023 made in I.A.Nos.1 and 2 of 2023 in I.D.No.27 of 2018.

For Petitioner : M/s.Bensi Rema
for M/s.King and Partridge

For Respondent : Mr.T.Ram Kumar



ORDER

The Writ Petition has been filed challenging the order of the learned Presiding Officer, Additional Labour Court, Coimbatore, made in I.A.Nos.1 and 2 of 2023 in I.D.No.27 of 2018 dated 25.08.2023.

2. Heard M/s.Bensi Rema, learned counsel for the petitioner and Mr.T.Ram Kumar, learned counsel for the respondent and perused the materials available on record.

3. Originally, the respondent has filed I.A.Nos.1 and 2 of 2023 in I.D.No.27 of 2018 to condone the delay of 661 days in filing the application and to restore I.D.No.27 of 2018, which was dismissed for default on 10.07.2019. This Writ Petition has been filed stating that the Presiding Officer of the Labour Court has not appreciated the matter in a proper perspective and has taken a more lenient view in condoning the inordinate delay of 661 days.

4. On perusal of the impugned order, it is seen that the learned Presiding Officer got satisfied in view of certain negotiations held between



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the Management and the workers in different cases and certain practical difficulties in following the matter by the Union and also Covid-19 pandemic, which also resulted in lockdown consequent to the order of dismissal.

5. The Industrial Dispute Petition itself has been filed by the workers by challenging their deputation to Palladam Wind Mill of the respondent. It seems that the learned Presiding Officer has taken a lenient view just in order to meet the ends of justice by hearing the matter on merits. The petitioner, being the Union, no doubt would have engaged in various litigations and hence, it is quite possible to lose attention on any one matter. In the instant case, it is also brought to the attention of the Labour Court about Covid-19 pandemic and all other situations which placed hurdles for the respondent to file a petition to restore I.D.No.27 of 2018.

6. The learned counsel for the petitioner submitted that some essential documents produced by the petitioner have not been taken into consideration before condoning the delay on the part of the respondent. From the impugned order it can be learnt that both sides did not file any



documents. Even if the petitioner had filed certain documents along with the counter, unless all those documents are marked, they cannot form part of evidence. On perusal of the documents which the petitioner intended to file before the Court, it is seen that they are certain Government Orders and the proceedings to show that the petitioner's Union was actually pursuing the other litigations and hence, there are no satisfactory reasons attributed before the Court to condone the hefty delay of 661 days.

7. As stated already, when the Union is represented for the individuals, it is quite possible that a few of the matters which the Union was perusing before the Court would go out of sight. Since the order has been passed not on merits but for non-prosecution, I feel that the petitioner shall not make much fuss on the delay but to see the matter disposed on merits.

8. In view of the long delay involved in the matter, I feel it is sufficient to give a direction to the learned Presiding Officer, Additional Labour Court, Coimbatore, to dispose I.D.No.27 of 2018 as expeditiously as possible.



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9. In the result, this Writ Petition is **dismissed**. The learned Presiding Officer, Additional Labour Court, Coimbatore, is directed to dispose I.D.No.27 of 2018 as expeditiously as possible preferably within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

27.08.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

The Presiding Officer,
Additional Labour Court,
Coimbatore.



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R.N.MANJULA, J.

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