



WEB COPY



W.P.No. 35732 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 35732 of 2024

and

W.M.P.No.38595 of 2024

1. The Managing Director,
Delhi Punjab Goods Carrier Private Limited,
Head Office,
Patel Chowk,
Jalandar - 144 001.
2. The Circle Manager,
Delhi Punjab Goods Carrier Private Limited,
Regional Office,
10, Ottukkara Chinnaya Street,
Kanthasamy Thottam,
Erode - 632 003.

... Petitioners

Vs

1. The Labour Commissionerate,
DMS Complex, Teynampet,
Chennai.
2. The Deputy Labour Commissioner,
Office of the Deputy Labour Commissioner,
Erode.
3. Sikander Ali

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 2nd respondent in A.Thi. Mu E1/3983/2024 dated 25.07.2024 and to quash the same as illegal, incompetent and ultravires and consequently direct the 2nd respondent to condone the delay of 66 days, receive the application filed by the petitioners under Rule 11(5) of the Tamil Nadu Payment of Gratuity Rules, 1973, in P.G.No 154 of 2023, to hear the same.

For Petitioners : Mr.M.Guruprasad

For R1 : Mr.K.Surendran
Additional Government Pleader.

ORDER

This writ petition is filed challenging the order dated 25.07.2024, in and by which the request of the petitioner to set aside the ex-parte order passed by the Authority was rejected.

2. A perusal of the rules, it is clear that the Authority itself has jurisdiction to set aside the ex-parte award, only if an application is filed within a period of 30 days. There is no provision for condonation of delay or to entertain a request which is made after 30 days. Therefore, it was open for



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the management to challenge the ex-parte Award itself. There was no question of setting aside the ex-parte Award after 30 days before the Authority. In view thereof, keeping open the right of the management to challenge the Award, in the manner known to law, this writ petition could not be entertained.

3. Accordingly, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

02.12.2024

Neutral Citation: Yes/No
nsl

To

1. The Labour Commissionerate,
DMS Complex, Teynampet,
Chennai.
2. The Deputy Labour Commissioner,
Office of the Deputy Labour Commissioner,
Erode.



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D.BHARATHA CHAKRAVARTHY, J.

nsI

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