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W.P.No.5674 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5674 of 2025

And

W.M.P.No.6258 of 2025

The Management,
Rep. by its General Manager
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Villupuram – 605 602. ... Petitioner

Vs.

C.Nadanam ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari call for the records passed by the Presiding Officer, Labour Court, Cuddalore in I.A.No.145 of 2023 in C.P.No.23 of 2014 dated 28.03.2024 and quash the same as illegal.

For Petitioner : Mr.M.Aswin
for M/s.S.Pavithra
For Respondent : Mr.J.Jayan

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records passed by the Presiding Officer,



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Labour Court, Cuddalore in I.A.No.145 of 2023 in C.P.No.23 of 2014 dated 28.03.2024 and to quash the same as illegal.

2.The learned counsel appearing for the petitioner submitted that the respondent filed C.P.No.23 of 2014 before the Labour Court claiming a sum of Rs.15,41,600/- as backwages for the period from 05.08.2008 to 28.02.2013 and obtained an exparte order on 30.07.2014. Aggrieved by the same, the petitioner filed I.A.No.145 of 2023 in C.P.No.23 of 2014 seeking to condone the delay of 3396 days in filing the petition to set aside the exparte order and the Labour Court passed the impugned order directing the petitioner to deposit 50% of the claim amount.

3.The learned counsel appearing for the petitioner further submitted that the respondent has no pre existing right and he is not entitled for any amount, even then the Labour Court directed the petitioner to deposit 50% of the claim amount, which is not sustainable one.

4.The learned counsel appearing for the respondent submitted



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that the petitioner filed I.A.No.145 of 2023 in C.P.No.23 of 2014 seeking to condone the delay of 3396 days in filing the petition to set aside the exparte order and the delay is more than nine years and was not properly explained, even then, the Labour Court directed the petitioner to deposit only 50% of the claim amount, which warrants no interference.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.Considering the submissions made on either side, this Court directs the petitioner to deposit 25% of the claim amount before the Labour Court, within a period of four weeks from the date of receipt of a copy of this order. The respondent is directed to file the calculation by explaining the pre existing right before the Labour Court. After the petitioner deposits 25% of the claim amount i.e., Rs.3,85,400/- [25% of Rs.15,41,600/- = Rs.3,85,400/-], the Presiding Officer, Labour Court, Cuddalore, is directed to restore C.P.No.23 of 2014 on file and hear the petitioner as well as the respondent and dispose of C.P.No.23 of 2014, within a period of six weeks thereafter.



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M.DHANDAPANI,J.
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7.The writ petition is disposed of. No costs. Consequently,
connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Presiding Officer,
Labour Court,
Cuddalore.

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And
W.M.P.No.6258 of 2025

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