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W.P.No.5367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 5367 of 2023

&

W.M.P.No. 5392 of 2023

The Management,
Hatsun Agro Product Limited,
Rep. by its Authorised Signatory
No.1 A, Sengam Pasuvanthula Village,
Veppalahalli Post,
Palakodu, Dharmapuri – 636805.

...Petitioner

Vs.

1.Joint Commissioner of Labour,
Authority under Minimum Wages Act,
1st Floor, Near Employment Office,
Gorimedu,
Salem – 636 008.

2.Dharmapuri District Milk Industries
Workers Union,
2D, Narasimhan Street,
BSNL Office backside,
Dharmapuri – 636 701.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the 1st respondent in IA.No.3 of 2022 and quash its order dated 10.02.2023.

For Petitioner : Mr. S.Ravindran
Senior Counsel
For Mr. S.Bazeerahamed

For Respondent 1: Mr. M.Murali
Government Advocate

For Respondent 2: Mrs. V.Porkodi
For Mr. V.Ajay Khose

ORDER

The Writ Petition is filed for the following relief:

“To call for the records of the 1st respondent in IA.No.3 of 2022 and quash its order dated 10.02.2023.”

2. Contending that the affidavit filed in support of the condone delay petition does not spell out any reasons and there is no evidence to prove the reasons for the delay, the management is before this Court. The argument is that without reasons and evidence the authority below condoned the delay which clearly indicates the non-application of



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3. A reading of the affidavit and the order does indicate the reasons for seeking condonation. It has been time and again reiterated by this Court and the Hon'ble Supreme Court that condoning the delay is not automatic and the person seeking condonation has to give sufficient reasons.

4. Therefore, the interest of justice would be sub served if the matter is remitted back to the 1st respondent for a fresh consideration. The 2nd respondent shall file a better affidavit containing more particulars and both parties are permitted to let in evidence.

5. The Writ Petition is disposed of with the above directions. Consequently, the connected miscellaneous petition is closed. No costs.

30.06.2025

Index : Yes/No



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Internet : Yes/No
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To

Joint Commissioner of Labour,
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