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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI**WP No. 30102 of 2012**

1. The Chief Executive

M/s.Atmarati Architects, No.33,
Dumoy Street, Pondicherry

Petitioner(s)

Vs

1. The Labour Court And Second
Additional District Judge At
Pondicherry, District Court Complex,
Pondicherry2.S.Krishnamoorthy
No.65, Mariamman Koil Street,
Alankuppam, Auroville Post,
Pondicherry

Respondent(s)

PRAYERcalling for the records of the 1st respondent in passing award in I.D.No.36 of
2010 dated 13.10.2011 and quash the same



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For Petitioner(s): M/s.S.Senthilnathan

For Respondent(s): M/s.A.Ajayakumar For R2
R1- Labour Court

ORDER

This writ petition has been filed seeking to quash the order passed by the first respondent in I.D.No.36 of 2010 dated 13.10.2011.

2. It is the case of the petitioner that the second respondent was appointed as a daily rated employee in the petitioner company during the year 2001. Thereafter, the second respondent deliberately failed to attend duty and suddenly, during March 2010 he left the company and initiated industrial proceedings which consequently, resulted in raising a dispute before the first respondent in I.D.No.36 of 2010. Since the petitioner did not appear before the Labour Court, an ex-parte order dated 13.10.2011 has been passed against the petitioner recording his absence. Challenging the same, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the present



writ petition is filed solely on the ground that, no opportunity was given to the petitioner to putforth the case before the Labour Court, which is a clear violation of principles of natural justice. Accordingly, he prays for passing appropriate orders.

4. Heard the learned counsel for the second respondent and perused the materials placed on record.

5. Admittedly, without affording any opportunity to the petitioner, the 1st respondent has passed the impugned non-speaking order against the petitioner, directing the petitioner to reinstate the second respondent into service with full backwages and continuity of service, which is in violation of principles of natural justice. On the sole ground, this Court is inclined to set aside the impugned order passed by the 1st respondent.

6. Accordingly, the impugned order passed by the 1st respondent dated 13.10.2011 in I.D.No.36 of 2010 is set aside and the matter is remanded to the



1st respondent for fresh consideration and the 1st respondent shall pass a reasoned order, within a period of eight (8) weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

7. With the above directions, this Writ Petition is allowed. No costs.

18-02-2025

RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
The Labour Court And Second
Additional District Judge At
Pondicherry, District Court Complex,
Pondicherry



M.DHANDAPANI J.

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RAP

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