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WP No. 7412 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

WP No. 7412 of 2022

K.N.Kamaraj
S/o.Narayanan,
Working as DVD, C.No.760,
Under the control of Chief Mechanical
Engineer, Chennai Port Trust, Rajaji
Salai, Chennai 600 001.

Petitioner(s)

Vs

1. The Deputy Chairman
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

2. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

3.The Central Government Industrial
Tribunal cum Labour Court,
Sastri Bhavan,
Nungambakkam, Chennai.

Respondent(s)



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in S.R.No.24/2021 dated 20.01.2022 and quash the same and further direct the 3rd respondent to decide the case on merits.

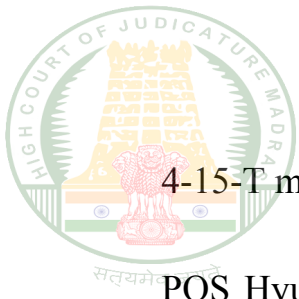
For Petitioner(s): Mr.S.Gopinathan

For Respondent(s): M/s.M.R.Dharnichander
For R1 & R2
R-3 Tribunal

ORDER

The present Writ Petition has been filed by the petitioner seeking to quash the order passed by the 3rd respondent in S.R.No.24/2021 dated 20.01.2022.

2. The learned counsel for the petitioner would submit that the petitioner was appointed as Assistant Technician in the year 1984 and thereafter he was promoted as Deployable Vehicle Driver in the year 1985 in the first respondent's Port Trust. While so, on 30.11.2005, the 2nd respondent has issued a show cause notice to the petitioner, levelling the charge that while operating trust FLT VB-



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4-15-T more than 20 steel coils landed from M.V.Canadian Express under Mark POS Hyundai were damaged during stacking operation at NQ shed during III Shift on 31.10.2005 and the coils were dragged along the floor of the shed and were stacked haphazardly and the FLT caused extensive damage to the coils which were stacked previously in the shed besides hitting and damaging the Pillar inside the NQ shed, the NQ godown entrance wall and doors of landing gate Nos.3 & 7.

2.1. Pursuant thereto, the petitioner had submitted his detailed explanation on 14.12.2005, without accepting the same, the domestic enquiry was conducted and imposed punishment of “with holding of increment for a period of one year with cumulative effect” vide order dated 15.02.2007. Challenging the same, the petitioner had preferred an appeal before the first respondent and the same was rejected by the 2nd respondent in one line order dated 20.05.2009. Aggrieved by the orders of the respondents, the petitioner filed a Writ Petition before this Court in W.P.No.14144 of 2009 and the same was dismissed with liberty to the petitioner to approach the concerned Labour



Court, within a period of 2 weeks from the date of receipt of a copy of the order.

If the petitioner approached the concerned Labour Court within 2 weeks, the

Labour Court shall consider the matter on merits. Whereas, the petitioner obtained the copy of the order only on 04.04.2019, and due to non-intimation by the counsel on record in respect of receipt of a copy of the order, the petitioner was unable to approach the Labour Court in time. After the receipt of the judgement copy, the petitioner came to know about the non-awarding the increments and therefore, he approached the Labour Court by filing the petition and the same was assigned with S.R.No.24 of 2021. However, due to non-appearance of the petitioner, the petition was dismissed for default on 20.01.2022. The period of non-appearance of the petitioner before the Tribunal is covered under the Covid 19 pandemic as per the judgement of Hon'ble Supreme Court in Suo Motu proceedings. However, without giving any opportunity to the petitioner, the Labour Court had dismissed the petition. Challenging the same, the petitioner had filed the present Writ Petition.

3. M/s.M.R.Dharnichander, learned counsel for the respondents 1 and 2



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would submit that the date of punishment order passed by the 2nd respondent is on 15.02.2007 and the appeal filed before the 1st respondent was dismissed on 20.05.2009. Thereafter, the petitioner filed a Writ Petition before this Court in W.P.No.14144 of 2009 and the same was dismissed on 19.02.2019. Pursuant to the direction of this Court in the above said writ petition, the petitioner has to approach the Labour Court within a period of two weeks. However, the petitioner has not approached the Labour Court, within the time prescribed in the judgement. It is also submitted that again the Labour Court has afforded an opportunity to the petitioner and due to his non-appearance, the said petition was dismissed. Therefore, he submitted that the order passed by the Labour Court is in order and prayed for dismissal of the present Writ Petition.

4. Heard both sides and perused the materials available on record.

5. Considering the above submission made by the learned counsel on either side, it appears that based on the order passed by this Court, the petitioner approached the Tribunal by filing a petition, the Tribunal assigned

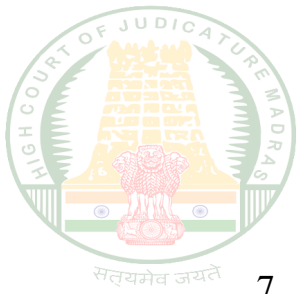


S.R.No.24/2021 and the case was listed on 20.01.2022. On the said date, the

petitioner has not appeared before the Industrial Tribunal cum Labour Court,

Chennai, and therefore, the petition was dismissed.

6. The Hon'ble Supreme Court, in *suo motu* writ proceedings held that the period from 15.03.2020 to 28.02.2022, will stand excluded when computing the period of limitation for filing any suit, appeal, application or proceedings. The Labour Court also entertained the petition and posted the same for hearing and on the date of hearing, the petitioner was unable to appear and thereby, it was dismissed. Therefore, the reason stated by the petitioner for non-appearance before the Tribunal-cum-Labour Court is accepted on account of Covid-19 pandemic, and hence this Court directs the Industrial Tribunal cum-Labour Court to restore the case in S.R.No.24/2021 and pass orders purely on merits and in accordance with law, within a period of two (2) months from the date of receipt of a copy of this order.



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7. With the aforesaid direction, this Writ Petition is allowed. No costs.

13-06-2025

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Deputy Chairman
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

2. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

3. The Central Government Industrial Tribunal cum Labour Court,
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P.DHANABAL J.

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