



WMP No. 25093 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2025

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THE HONOURABLE MRS.JUSTICE N. MALA

WMP No. 25093 of 2025

in

WP No. 38848 of 2003

The Management
10661, Vedharanyam Primary
Agricultural Co-operative Bank Ltd.,
Rep by its Secretary, Vedaranyam,
Nagapattinam District.

Petitioner(s)

Vs

1. The Presiding Officer
Labour Court,
Cuddalore District.

2. S.Kannan

Respondent(s)

For Petitioner(s): V.R.Thangavelu

For Respondent: R1 - Court
R2 - Mr.R.Murugabharathi

**ORDER**

The petitioner has filed this petition to recall of the order of this Court dated 06.08.2009 in WP.No.38848 of 2003.

2. The petitioner is the Secretary of Vedharanyam Primary Agricultural Co-operative Bank Ltd. The petitioner filed Writ Petition in WP.No.38848 of 2003 challenging the order of the first respondent dated 16.10.2003 in ID.No.147 of 1999, wherein a direction was issued to reinstate the second respondent without back wages. In the said Writ Petition, the petitioner herein filed a memo dated 31.07.2009 seeking permission to withdraw the Writ Petition stating that the matter was settled out of Court. Recording the same, this Court by order dated 06.08.2009, dismissed the Writ Petition as settled out of Court. Pursuant to the dismissal of the Writ Petition in WP.No.38848 of 2003, the second respondent/workman filed Writ Petition in WP.No.20050 of 2010 for a mandamus directing the fourth respondent therein/petitioner herein to implement the order in I.D.No.147 of 1999 dated 16.10.2003. This Court vide order dated 02.09.2010 dismissed the Writ Petition giving liberty to approach



the Labour Court for execution of the award under Section 11-B of the Industrial Disputes Act. Thereafter, the second respondent filed C.P.No.25 of 2011 and the Labour Court on 24.07.2014, allowed the C.P. Aggrieved by the order passed in C.P., the petitioner filed WP.No.36270 of 2016. This Court by order dated 27.09.2019 disposed of the said Writ Petition by quashing the order dated 24.07.2014 and remanded the matter to the the Labour Court for fresh consideration. On remand, the Labour Court awarded a sum of Rs.2,15,955/- to the workman and further directed the petitioner to pay the said sum within a period of two months from the date of the order. Aggrieved by the order passed in CP.No.25 of 2011, the petitioner filed Writ Petition in WP.No.16073 of 2021.

3. The petitioner in the affidavit filed in support of the recall petition stated that on the advice of the present counsel, the recall petition was filed, since in the absence of challenge to the award, the order passed in C.P. could not be efficiently contested. The petitioner further stated that since the second respondent colluded with the then Special Officer of the Society and manipulated for the withdrawal of the Writ Petition, the withdrawal was illegal.



The petitioner further submitted that the Society conducted disciplinary proceedings against the Special Officer, for the misconduct of withdrawing the Writ Petition without sanction of the higher authorities. The petitioner therefore prayed for recall of the order passed in the said Writ Petition, which was withdrawn by the Special Officer without authority.

4. The second respondent filed a detailed counter affidavit stating that the recall application was frivolous and vexatious. The second respondent stated that in the absence of any justifiable reasons for filing the recall application with a delay of over 2 decades, the application deserved to be dismissed at the threshold on the ground of delay and laches.

5. The second respondent further submitted that he was fighting for justice for more than 24 years and despite favourable orders, he was not able to reap the benefits of the same. The second respondent therefore prayed for dismissal of the recall petition.



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6. Heard the learned counsel for both sides and perused the materials available on record.

7. The facts are not disputed. The only question that arises for decision is whether the recall petition should be allowed or not.

8. The learned counsel for the petitioner submitted that the second respondent colluded with the erstwhile Special Officer and manipulated to get the Writ Petition withdrawn as settled out of court. The learned counsel submitted that, only when the petitioner Society approached him, he advised them to file the recall application. Hence, the delay.

9. Admittedly, the Writ Petition in WP.No.38848 of 2003 was dismissed as settled out of Court on 06.08.2009. The documents produced before this court establish that even as early as in 2016, the petitioner Society issued a charge memo, to the Special Officer for withdrawing the Writ Petition as settled out of



Court, without the approval of the supervisory authorities. Therefore, it is clear that the petitioner Society was aware of the withdrawal of the Writ Petition by the Special Officer, even in 2016. There is absolutely no explanation forthcoming from the Society, as to why the recall application was not filed at least after 2016. The affidavit filed in support of the recall petition is absolutely silent on this aspect. Even the contention that on the advise of the present counsel, the application came to be filed is bereft of particulars.

10. As rightly contended by the learned counsel for the second respondent, there is an astronomical unexplained delay of 16 years in filing the recall petition and therefore, this Court is constrained to dismiss the Petition on the ground of delay and laches.

11. However, it is seen that in the Writ Petition, WP.No.20050 of 2010, filed by the second respondent, for implementing the award of the Labour Court in ID.No.147 of 1999, dated 16.10.2003, this Court considered the objection of the second respondent that behind his back the Management filed the Writ



Petition and withdrew the same as settled out of Court, and observed that the said objection could be considered by the Labour Court in the Execution Petition filed by him.

12. In view of the above, this miscellaneous petition is dismissed. However, the observation made by this Court in WP.No.20050 of 2010, on 02.09.2010 that the Labour Court, in the Execution Petition filed by the second respondent herein, can consider whether there was a settlement or not is reinforced.

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pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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The Presiding Officer
Labour Court, Cuddalore District



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N.MALA J.

pvs

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