



WEB COPY



W.A.No.2631 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.2631 of 2025
and CMP.No.21126 of 2025

1.The Joint Managing Director,
Tamil Nadu Co-operative
Milk Producers Federation Ltd.,
Ambattur, Chennai-600 098

2.The General Manager (marketing)
Tamil nadu Co-operative
Milk Producers Federation Ltd.,
No.2, Pasumpon Muthuramalingam Salai,
Nandhanam, Chennai-600 035

... Appellants

Vs.

1.The Joint Commissioner of Labour,
(Appellate Authority under the
Payment of Gratuity Act, 1972)
Teynampet, Chennai – 600 006

2.L.Antony Joseph

... Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to



W.A.No.2631 of 2025

set aside the order dated 08.04.2025 made in WMP.No.29411 of 2023 in
W.P.No.6877 of 2017.

For Appellant : Mr.R.Sachithanandan
for Mr.V.Rajinikanth

For Respondents : Mr.G.Ameedius
Government Advocate for R1
Mr.P.Anbarasan for R2

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order dated
08.04.2025 made in WMP.No.29411 of 2023 in W.P.No.6877 of 2017.

2. On the ground that the learned counsel for the appellants were engaged before some other Court and hence, could not appear before the Writ Court on 01.08.2023, when the case in W.P.No.6877 of 2017 was called, the appellants had filed an application seeking for condonation of delay of 26 days in filing the restoration application in WMP.No.29411 of 2023, which came to be dismissed on 08.04.2025.

3. The learned Single Judge had taken into account that prior



W.A.No.2631 of 2025

WEB COPY

opportunity was given to the appellants when the matter was listed for dismissal, after he had failed to appear on 26.07.2003 and ultimately, it was only on 01.08.2023, the Writ Petition was dismissed for default. Strictly speaking, we cannot find fault with the observation made in the Writ Miscellaneous Petition that the petitioner owes the duty to be vigilant of his own rights and be alert to the judicial proceedings when the matter is called.

4. However, the learned counsel for the appellants would submit that he has a valid and fair chance of success in the Writ Petition and therefore, seeks for indulgence of this Court.

5. In consideration of such a request, we are of the view that if the appellants are put on certain terms, the ends of justice would be secured.

6. In the light of the above observations, the order passed in W.M.P.No.29411 of 2023 is set aside. Consequently, the Writ Petition in W.P.No.6877 of 2017 shall stand restored on condition that the appellants pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs to the



W.A.No.2631 of 2025

WEB COPY

second respondent herein within a period of one (1) week from the date of receipt of a copy of this order, and produce due receipt of such payment of the costs before the Registry within a period of ten (10) days from the date of payment.

7. Accordingly, this Writ Appeal stands allowed. No Costs.
Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V.,J]

07.10.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Anu



W.A.No.2631 of 2025

WEB COPY **To**

The Joint Commissioner of Labour,
(Appellate Authority under the
Payment of Gratuity Act, 1972)
Teynampet, Chennai – 600 006

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.



WEB COPY



W.A.No.2631 of 2025

Anu

W.A.No.2631 of 2025
and CMP.No.21126 of 2025

07.10.2025