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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.33151 of 2023
and WMP.No.32839 of 2023

M/s.Needless Industries India (Private) Limited,
Rep by its Director Human Resources,
Needle Industries Post,
Ketti – 643 243.

... Petitioner

Vs

M.Sivappan

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Prohibition, prohibiting the Labour Court from conducting or taking cognizance of any further proceedings relatable to or connected with I.A. No.1 and 2 of 2023 on the file of the Labour Court of the Nilgiris at Udhagamandalam regarding which notice dated 18.10.2023 has been issued to the petitioner fixing the date of hearing on 24.11.2023.

For Petitioners : Mr.Sanjay Mohan for
M/s.S.Ramasubramaniam and Associates

For Respondents : Mr.T.Ramkumar



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ORDER

This Writ Petition has been filed to issue a writ of prohibition, prohibiting the Labour Court from taking cognizance of any further proceedings relating to or connected with I.A. Nos. 1 and 2 of 2023, in relation to an unnumbered petition under Section 33(C)(2) of the Industrial Disputes Act, on the file of the Labour Court, Nilgiris at Udthagamandalam.

2. The learned counsel appearing for the petitioner would submit that the petitioner had a factory engaged in manufacturing needles. The first respondent joined service of the petitioner's company as a Probationer on 26.06.1990 and thereafter he was confirmed in service on 01.04.1992. Due to unauthorized absence for about one year, the first respondent's services were terminated by the petitioner-management by issuing an order of dismissal dated 17.02.1994. Challenging the said order, the respondent approached the Labour Court, Coimbatore in I.D. No. 9 of 1996 and the Labour Court passed an award directing the management to reinstate the respondent with continuity of service and without back wages through an award dated 08.10.1999. The said award was challenged by the management in the writ petition in W.P. No. 6254 of 2000. During the



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pendency of the writ petition, the management and the respondent entered into 18(1) settlement on 05.12.2001, wherein the petitioner–management paid a sum of Rs.75,000/- as ex gratia amount inclusive of all the claims against the petitioner–management as final settlement and the writ petition was settled out of court on 05.02.2002.

2.1. Thereafter, the respondent has filed the petition under Section 33(C)(2) of the Industrial Disputes Act and the same was returned by the Labour Court on 28.02.2022 and the respondent also filed I.A. No. 2 of 2023 to condone the delay of 99 days in representing the computation petition and also filed another petition in I.A. No. 1 of 2023 dated 07.07.2023 to condone the delay of 402 days in representing the I.A. No. 2 of 2023 and to receive the computation petition. After 22 years, the respondent raised a series of allegations against the petitioner and filed the condone delay petition before the Labour Court. After recording the settlement and after disposal of the writ petition, the Labour Court has no jurisdiction to entertain the petition under Section 33(C)(2) of the Industrial Disputes Act. Therefore, the impugned applications in I.A. Nos. 1 and 2 of 2023 are without jurisdiction in the light of the orders of this Court dated 05.02.2002. Therefore, prays to allow this writ petition.

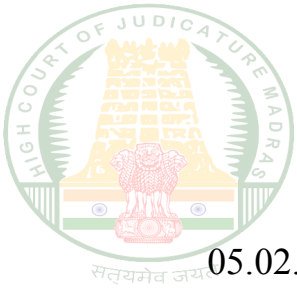
3. The learned counsel appearing for the respondent would submit



that the respondent has filed the petition to condone the delay and the Labour Court has got jurisdiction to entertain the application and no settlement was arrived between the parties, but the petitioner with false allegations filed this petition. If at all the petitioner has any material, he can file his counter before the Labour Court and they can agitate before the Labour Court so that the Labour Court can dispose of the application. The Writ of Prohibition cannot be issued unless there is error of jurisdiction and violation of Principles of Natural Justice. In this case, the petitioner not even appeared before the Labour Court and without approaching the Labour Court, he has straight away filed this petition, therefore this petition is liable to be dismissed.

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

5. According to the petitioner, the respondent has already raised Industrial Dispute before the Labour Court as against the petitioner and the same was allowed in favour of the respondent and thereafter the petitioner preferred the writ petition challenging the Labour Court award in W.P.No.6254 of 2000. During the pendency of the writ petition they entered into the settlement under Section 18(1) of Industrial Disputes Act dated



05.02.2001 and the petitioner management paid a sum of Rs.75,000/- and after receipt of the said amount after 22 years, now the respondent has filed the computation petition without the knowledge of the petitioner. Now, the Labour Court has no jurisdiction since already the matter has been disposed of by this Court.

6. According to the respondent, writ of prohibition can only be issued if there is any jurisdictional error in filing petition or any violation of principles of natural justice. Here the respondent filed a petition to condone the delay and the same is pending before the Labour Court. So, the petitioner can approach the Labour Court by way of raising objections in the petition to condone the delay. Since the petitions before the Labour Court are at the initial stage and so far no notice was served on the petitioner, it is not appropriate to entertain this writ petition at this stage. If at all the petitioner is aggrieved, he can very well approach the Labour Court and make his objections and seek appropriate remedy before the Labour Court.

7. In view of the above discussions, this Court is of the view that the petitioner cannot seek any relief through this writ petition, hence this writ petition has no merits and deserves to be dismissed.



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8. In the result, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

07.08.2025

To

1. The Labour Court,
Nilgiris at Udhagamandalam

P.DHANABAL, J.,

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