



W.P.Nos.30288 & 30291 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.30288 & 30291 of 2018

and

W.M.P.No.35347 of 2018

The Management,
Dhanam Trust and Suham Trust Hospital,
15/49, Dr.Ramanathan Street,
Salem – 636 001.

... Petitioner in both WPs

Vs.

K.Gowri Sankari

... Respondent in both WPs

Prayer in W.P.No.30288 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the Labour Court, Salem on 10.08.2017 in I.A.No.576 of 2016 in I.A.No.237 of 2016 in I.D.No.61 of 2015 and quash the same.

Prayer in W.P.No.30291 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the Labour Court, Salem on 10.08.2017 in I.A.No.35 of 2017 in I.A.No.576 of 2016 in I.A.No.237 of 2016 in I.D.No.61 of 2015 and quash the same.



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For Petitioner : Mr.C.M.Arumugam
(in both WPs)

For Respondent : Mr.V.Sivaraman
(in both WPs)

COMMON ORDER

Since both the writ petitions are arising out of I.D.No.61 of 2015, with the consent of the learned counsel appearing for the parties, these writ petitions are heard together and disposed of by way of this common order.

2. The case of the petitioner is that the respondent has raised a dispute in I.D.No.61 of 2015 seeking reinstatement and fixing of minimum wages and the labour court has passed an *ex-parte* award dated 30.11.2015, against which, the petitioner management has filed an application in I.A.No.237 of 2016 in I.D.No.61 of 2015 seeking to condone the delay in filing application to set aside the *ex-parte* award and the same was dismissed for default, vide order dated 27.06.2016. Thereafter, the petitioner management has filed another application in I.A.No.576 of 2016 in I.A.No.237 of 2016 in I.D.No.61 of 2015 seeking



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to restore I.A.No.237 of 2016 in I.D.No.61 of 2015 and the respondent has filed an application in I.A.No.35 of 2017 in I.A.No.576 of 2016 in I.A.No.237 of 2016 in I.D.No.61 of 2015 seeking to pass an order preventing the petitioner management to represent through advocate. The labour court, vide orders dated 10.08.2017 dismissed the petition filed by the petitioner management and allowed the petition filed by the respondent. Challenging the same, the present writ petitions have been filed.

3. Heard the learned counsel for the parties and also perused the materials available on record.

4. The facts in the present case are not in dispute. Admittedly, the respondent has raised a dispute before the labour court and the labour court had passed an *ex-parte* award in favour of the respondent, against which, the petitioner has filed interlocutory application to set aside the *ex-parte* award, which was dismissed for default. Thereafter, the petitioner has filed another interlocutory application to set aside the order passed in I.A. and the respondent has filed an interlocutory application to



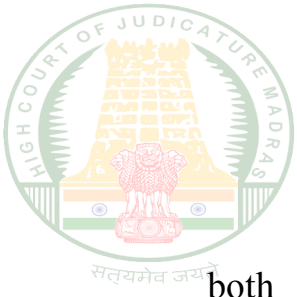
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prevent the petitioner management to represent through advocate. The Labour Court, vide orders dated 10.08.2017, dismissed the application filed by the petitioner/Management and allowed the application filed by the respondent/workman, assailing which, the present writ petitions are filed.

5. It is seen from the records that the respondent has filed the I.D. in the year 2015 and the same was decreed *ex-parte*, against which the petitioner Management has filed interlocutory application to set aside the *ex-parte* order, which was also dismissed for default, thereby the petitioner management was not given opportunity to put-forth their case before the labour court. Since the I.D. was not decreed on merits, this Court is inclined to restore the I.D. back to the file of the labour court.

6. Accordingly, the order in I.A.No.576 of 2016 in I.A.No.237 of 236 is set aside and the case in I.D.No.61 of 2015 is restored to the file of Labour Court, Salem. The labour Court shall dispose of the same on merits and in accordance with law, within a period of six (6) months from the date of receipt of a copy of this order, by giving opportunity to



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both the parties, enabling them to adduce evidence. However, the petitioner management is not entitled to represent the case through legal representative, since the respondent is also not represented by advocate.

7. In the result, W.P.No.30288 of 2019 is allowed and W.P.No.30291 of 2018 is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.04.2025

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

To

The Labour Court, Salem.



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M.DHANDAPANI, J.

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