



WP(MD)No.27575 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.27575 of 2024 and
WMP(MD)Nos.23386 of 2024 & 6656 and 6657 of 2025**

Management,
S.M.Paper Convettters,
12, Bungalow Street,
Pettai, Tirunelveli – 627 004.

...Petitioner

Vs

1.S.Ganesan

2.Management,
Southern Pack,
6, SIDCO Industrial Estate,
Pettai, Tirunelveli – 627 010.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the impugned order passed in OPID.No.35 of 2021, dated 19.01.2023 on the file of the Labour Court, Tirunelveli and quash the same.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.D.Saravanan

No.1



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ORDER

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The petitioner management has filed this writ petition as against the award passed by the Labour Court, Tirunelveli in the industrial dispute raised by the first respondent / workman.

2.The first respondent / workman has raised the industrial dispute before the Labour Court, Tirunelveli under Section 2A(2) of the Industrial Disputes Act that he has been orally terminated by the management on 17.05.2019 and sought for reinstatement with continuity of service. The petitioner management did not appear for hearing and therefore, on 29.12.2022 the management was set ex-parte and an award dated 19.01.2023 was passed in favour of the workman. Therefore, challenging the same, the petitioner management has filed this petition.

3.The main contention of the petitioner management is that the industrial dispute was raised during Covid-19 pandemic and the petitioner was not served with notice. He also claimed that the respondent has never worked in the petitioner management and he was an employee of the second respondent.



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4.The learned counsel for the first respondent / workman disputes the same and submits that though the proceedings was initiated during Covid-19 pandemic, it was concluded only during January 2023. However, there was no representation for the petitioner management and they have not filed any counter. According to the learned counsel for the workman, the workman was terminated from service in the month of June 2020 and till date he has not been reinstated.

5.This court has considered the rival submissions made and perused the materials placed on record.

6.The management has filed this writ petition as against the award passed by the Labour Court and admittedly this is an ex-parte award passed on 19.01.2023. The petitioner management claims that they did not appear due to Covid-19 pandemic and they have also not been served with notice.

7.This court in fact while entertaining this writ petition has granted an interim stay. This writ petition is taken up for final hearing, on the



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application filed by the workman to vacate the order of interim stay.

Admittedly the award passed by the Labour Court is an ex-parte award.

The petitioner claims that the first respondent has never worked in the petitioner bank. Since it is an ex-parte award, in order to provide one more opportunity to the petitioner, this court is inclined to set aside the impugned award.

8. Accordingly this writ petition is allowed. The impugned order is set aside. The matter is remanded back to the Labour Court, Tirunelveli for fresh consideration and the Labour Court, Tirunelveli is directed to dispose of OPID.No.35 of 2021 as expeditiously as possible preferably within a period of eight months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petitions are closed.

04.11.2025

DSK



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To

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- 1.The Presiding Officer,
Labour Court,
Tirunelveli.
- 2.The Management,
Southern Pack,
6, SIDCO Industrial Estate,
Pettai, Tirunelveli – 627 010.



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B.PUGALENDHI.J.,

DSK

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