

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2006

C O R A M

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

WRIT PETITION NO.34684 of 2003
& WPMP No.4165 of 2006

The Management,
M/s Sreenivas Leathers Pvt. Ltd.,
1/156 A, Trunk Road,
Vaniyambadi,
Vaniyambadi-635 751. Petitioner

vs.

1.The Presiding Officer,
Labour Court, Vellore.

2.Jeyaseelan ..Respondents

Petition under Article 226 of The Constitution of India for issuance of a Writ of Certiorari to call for the records on the file of the first respondent in I.A.No.308 of 2003 in I.D.No.162 of 1999 dated 27.10.2003, quash the same as illegal, incompetent and without jurisdiction.

For petitioner Mr.V.Raghavachari

For 2nd Respondent Mr.S.T.Varadarajulu

O R D E R

By consent of both parties, the writ petition itself is taken up for disposal.

2. Aggrieved by the order of the Labour Court, Vellore, dated 27.10.2003 made in I.A.No.308 of 2003 in I.D.No.162 of 1999, the Management has filed the above writ petition.

3. It is seen that due to the absence of the management, an ex-parte award was passed on 27.10.2003 in I.D.No.162 of 1999 in favour of the workman/second respondent herein. Thereafter, the management filed a petition in I.A.No.308 of 2003 to condone the delay of 270 days in filing the petition to set aside the ex-parte award passed on 27.10.2003. The Tribunal, considering the stand taken by both parties and after finding that there is no valid ground for condoning the delay, dismissed the said application. Hence, the present writ petition.

4. During the pendency of the above proceedings, on the orders of this Court, the petitioner-Management has deposited a sum of Rs.4,35,571/-. In view of the request by the learned counsel for the

second respondent that if the workman is permitted to withdraw a reasonable amount by way of costs, he has no objection in setting aside the ex-parte order and passing orders on merit in I.D.No.162 of 1999.

5. Considering the same and in the light of the stand taken by the management, I am of the view that interest of justice would be met by permitting the second respondent herein viz., Jeyaseelan (Petitioner in I.D.No.162 of 1999) to withdraw a sum of Rs.35,571/- (Rupees thirty five thousand five hundred and seventy one only). In view of the same, the order dated 27.10.2003 in I.A.No.308 of 2003 in I.D.No.162 of 1999 is set aside and the delay is condoned. The Labour Court is directed to dispose of the main I.D.No.162 of 1999 within a period of six months from the date of receipt of a copy of this order. Both parties are directed to co-operate for completion of the Industrial Dispute within the time prescribed. The balance amount of Rs.4,00,000/-, which is under investment shall be disbursed subject to the outcome of the Industrial Dispute. Till such time, the balance amount (Rs.4,00,000/-) shall continue in the same investment under re-investment scheme.

6. The writ petition is disposed of accordingly. No costs. WPMP No.4165 of 2006 is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

raa

To

1.The Presiding Officer,
Labour Court, Vellore.

+ 1 CC To Mr. V.Raghavachari, Advocate SR NO. 33460

+ 1 CC To Mr. S.T.Varadarajulu, Advocate SR NO.33527

W.P.NO.34684 of 2003
28.07.2006

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gp/4.8.