

V. Krishnan Vs The Presiding Officer, Labour Court and The Management of Kannan Lorry Transport

Court: Madras High Court

Date of Decision: March 31, 2011

Acts Referred: Industrial Disputes Act, 1947 " Section 2A(2)

Hon'ble Judges: K. Chandru, J

Bench: Single Bench

Advocate: P. Arulmudi, Associates, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

K. Chandru, J.

The Petitioner is the workman. Aggrieved against the order passed by the first Respondent Labour Court, Coimbatore in

I.A. No. 210 of 2009 in I.D. No. 346 of 2004 dated 3.9.2009, the present writ petition has been filed. The Petitioner has also asked for

consequential direction to the first Respondent Labour Court to dispose of I.D. No. 346 of 2004 within the time frame fixed by this Court.

2. It is seen from the records that the dispute was raised by the Petitioner regarding his non-employment u/s 2A(2) of the Industrial Disputes Act

and the said dispute has been taken on file as I.D. No. 346 of 2004 by the Labour Court, Coimbatore. Notice was ordered to the second

Respondent-Management. It is also seen that the Petitioner has filed proof affidavit and he has also cross examined the evidence of the

Management witness viz., M.W. 1 in part. On 16.4.2009, neither the Petitioner nor his counsel was present for cross examining MW1 and the

evidence of M.W. 1 was closed. Thereafter, the Petitioner filed I.A. No. 210 of 2009 for recalling M.W. 1.

3. The Labour Court ordered notice in the said application to the second Respondent. After hearing both sides, the Labour Court has found that

though in the interest of justice, a further opportunity should be given, but the conduct of the Petitioner was not credit worthy, inasmuch as in spite

of several opportunities given to the Petitioner, he failed to cross examine M.W. 1 fully. Therefore, for the inconvenience caused to the second

Respondent Management, the Labour Court allowed the application on payment of cost of Rs. 300/- and directed the Petitioner to pay Rs. 300/-

to the Management on or before 16.9.2009, failing which, the application was directed to be dismissed. Instead of complying with the said order,

the Petitioner allowed the I.A. to be dismissed for default. Thereafter, the Petitioner moved this Court by filing the present writ petition, after a

period of 7 months, challenging the said order passed by the Labour Court.

4. The contention raised by the Petitioner is that the cost ordered by the Labour Court was unfair and when the legal aid is the objective of

judiciary, the question of imposing costs on a worker without employment, will not arise. However, it must be noted that the Petitioner neither

before the Labour court nor this Court is assisted the proceedings and he engaged a private counsel. Hence, the cost imposed by the labour Court

is a token cost of Rs. 300/- to the official of the second Respondent-Management for the inconvenience caused to him, who is ready for cross

examination and it is the default on the part of the Petitioner. Under such circumstances, this Court does not find any necessity to set aside the

order passed by the first Respondent Labour Court.

5. In so far as the second prayer of the writ petition is concerned, the Petitioner if so interested, is filed a memo before the Labour Court seeking

expeditious disposal of I.D. This Court is not inclined to fix any time limit for disposal of the said industrial dispute. The Industrial Dispute Act had

fixed its own time limit for disposal of the dispute. Therefore, this Court will not give any further direction to the labour court for disposal of I.D.

No. 346 of 2004.

6. In the result, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.