

In the Court of Labour Court, Kancheepuram

**Present: Tmt.S.Sujatha, M.A., M.L.,
Presiding Officer, Labour Court,
Kancheepuram.**

Wednesday, the 4th day of February 2026

**I.A.Nos.2/2025 & 3/2025
in
C.P.No.2/2022**

The President,
Palayaseevaram Panchayat,
Palayaseevaram Village,
Walajabad Taluk,
Kancheepuram District

--- Petitioner/1st Respondent

//vs//

R.Gangatharan,
S/o.Raji,
No.50, Muthumariyamman Kovil Street,
Varathapuram, Ullavur,
Kancheepuram - 631 606

--- Respondent/Petitioner

These petitions came up on 21.01.2026 this day for hearing before this court in the presence of M/s.A.K.Ramesh, Government Pleader and J.Saravanan Advocate for Petitioner/1st Respondent and M/s.B.Manikavasham, T.Ramkumar, Manoharan and A.Rekha Advocates for Respondent/ Petitioner and upon perusal of records and having stood over for consideration till this day, this court delivered the following:

COMMON ORDER

1. Petitions filed by the petitioner /1st respondent U/ Rule 48(2) of the ID Act praying to Condone the delay of 820 days in filing the petition to set aside the exparte order dated 25.08.2023 and to set aside the exparte order.

2. The Common averments in the petitions filed by the Petitioner/1st respondent is as follows:

Petitioner is the 1st respondent. The respondent /petitioner herein has filed the case for Revision of Labour charges. The case was posted for hearing on 19.06.2023. Due to the official impediment, Notice served on the respondent has been misplaced and due to the transfer of concerned staff in the Office, the same has not come to the knowledge and hence was not able to appear before the court as such 1st respondent had been set exparte and exparte award passed on 25.08.2023. The absence is neither wilful nor wanton. Now only after notice of Execution Petition received by office on 12.06.2025, Petitioner has approached the court to take further action. Petitioner/1st respondent have got good case to contest. Hence petition is filed along with counter to condone the delay of 820 days and to set aside the exparte order. If the petitions are not allowed. Petitioner will be suffered very much. Hence these applications to condone the delay of 820 days in filing the petition to set aside the exparte award dated 25.08.2023 and to set aside the exparte order. Hence these petitions.

3. The averments in the Common counter filed by the Respondent is as follows:

All the allegations are denied as false. The application by petitioner does not disclose as to who exactly received the summons, which staff member was transferred, When the notice was allegedly misplaced and under what

circumstances the same occurred. There is no specific pleading in this regard. There is an extraordinary delay in filing the above applications and vague and bald statements are made by the 1st respondent are only an afterthought, at the stage of Execution proceedings, with the sole intention of protracting the matter. In the claim petitions two separate respondents are made as parties, both the respondents were set exparte and they have filed separate applications. From fair perusal of said affidavits it will show that the petitioner have projected common fact as though they relate to separate office and have stated similar reasons which is highly suspicious, not acceptable, unless sufficient proof is filed. The statements made in the affidavits are false, frivolous and they have conveniently and casually taken the plea that the notice was misplaced ,which is neither bonafide nor acceptable in law. Petitioner has failed to disclose sufficient cause to justify the relief sought. Petitioner has not offered any explanation for the inordinate delay of 820 days and it is settled law that they are required to explain each and every day to day delay, which they have failed to do. Petitioner has approached the court after an inordinate and unexplained delay of 820 days and petitioner is claiming only minimum wages for the period actually worked earlier and there is no justification for reopening the concluded proceedings after a long lapse of time. The present petition if allowed, the respondent will be put great prejudice, hardship and irreparable loss. In the interest of justice, equity and fair play, this petition is to be dismissed.

4. The point for consideration is whether the petitions are to be allowed or not?

5. The petitioner has stated that the notice served on the petitioner/1st respondent had been received by the staff of the concerned office and they have misplaced it and due to transfer of the concerned staff, they were not able to report before court on the hearing date and as such were set exparte and exparte award was passed on 25.08.2023 and they had come to know about the pendency of the case, only after receiving notice in the Execution Petition and they have immediately approached this court and there is a delay of 820 days in filing the application to set aside exparte order dated 25.08.2023 and now these applications are filed to condone the delay of 820 days and to set aside exparte award dated 25.08.2023 and it is filed along with the counter also and hence the applications has to be allowed.

On the other side it has been stated by the respondent/ petitioner that the averments in affidavit are vague and bald, the affidavit does not contain the details of the person who has received the notice served on the office and there is no details, which of the staff has been transferred and in such circumstances when the case has been already decided and the respondent claims only minimum wages, there is no necessity to allow the applications and if the petitions are allowed, they will be put to irreparable loss and hardship, Hence the applications has to be dismissed.

The perusal of record shows that an exparte award is passed on

25.08.2023 and the matter has not been decided on merits. The learned counsel on behalf of the petitioner/1st respondent argued that the order passed itself is not maintainable as per law and the CP is not maintainable and unless an opportunity is given to the petitioner/ 1st respondent to prove that the claim of the petitioner is not legally maintainable, they will be put to hardship and prejudiced and therefore as the petitioners have filed the counter along with this application, the petitions have to be allowed in the interest of justice. Though the petitioner/1st respondent has not stated who has received the notice on behalf of the petitioner/1st respondent and who has been transferred, this court is of opinion that as the counsel for the petitioner/1st respondent vehemently argued that the main CP itself is not maintainable and the legality of the same has to be decided on merits, this court is of opinion that though there is a delay of 820 days the same can be condoned by allowing the applications on conditions and by imposing cost, in order to have fair decision on merits, in the CP.2/2022.

Considering the nature of the ex parte award, These applications are allowed on conditions.

In the result the petitions are allowed on cost of Rs.2000/- each to the respondent and the same to be paid on or before 10.02.2026 failing which the petitions stands dismissed.

I.A.No.2/2025

In the result the petition is allowed on cost of Rs.2000/- to the respondent and the same to be paid on or before 10.02.2026 failing which the petition stands dismissed

I.A.No.232025

In the result the petition is allowed on cost of Rs.2000/- to the respondent and the same to be paid on or before 10.02.2026 failing which the petition stands dismissed.

This order has been dictated by me to the Steno-Typist, typed by her in the computer, corrected and pronounced by me in the Court on this 4th February 2026.

Presiding Officer,
Labour Court,
Kancheepuram.