

In the Court of Labour Court, Kancheepuram

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

Friday, the 4th day of July 2025

I.A.No.4/2025

in

I.D.No.148/2021

The Management,
Myung Sung India Precision Private Limited,
No.55, Thandalam Village,
Sriperumbudur Taluk,
Kanchipuram District – 602 105.

--- Petitioner/ Respondent

//vs//

V.Sathishkumar,
S/o.Venkadasubramaniyan,
No.1059, Yamuna Nagar,
1st Street, Nasarathpettai,
Thiruvallur District – 600 123.

--- Respondent/Petitioner

This petition came up on 17.04.2025 this day for final hearing before this court in the presence of M/s. M.Elangovan, M.Dhandayuthapani and R.Karthik for Petitioner/Respondent and M/s.S.Kumarasamy, K.Bharathi, K.Suresh, M.K.Nivetha and J.Mohanraj Authorised representatives for Respondent/Petitioner and upon perusal of records and having stood over for consideration till this day, this court delivered the following:

ORDER

1. Petition filed by the petitioner U/sec.11 R/W Rule 48 (2) of the ID Act praying to set aside the exparte award passed against the petitioner/respondent in I.D.No.148/2021 dated 14.06.2024.

2. The averments in the petition filed by the Petitioner is as follows:

The respondent/petitioner has filed the Industrial dispute u/s. 2A(2) of the I.D.Act, against the disciplinary action taken by the petitioner/respondent for the misconduct proved against the respondent/petitioner. When the ID.No.148/2021 came up for final hearing on 14.06.2024 this court has passed an exparte award against the petitioner/respondent and disposed the case.

The petitioner/respondent is a private limited company engaged in the business of supplying rubber and plastic parts to the suppliers under contract and was engaged with 30 employees and being a small scale industry it has no separate branches, the various business administrations were directly handled by the Managing Director and he is a foreign national. There is no separate HR Manager to address the issues. One who handled this case and coordinating with the external counsel has all of a sudden resigned his job and left the company without proper handing over. Thereafter no one was replaced on his position, the director of the company was taking care of the entire business affairs of the company.

In the meantime, there was a decline on the business orders from the customer end of the petitioner/respondent, hence the production was dropped due to shortage of business order. To prevent the company from loss making, the petitioner/respondent was constrained to hold strategic management for competition and survival. Where the existing employees prioritized to focus on the production. Meanwhile the management decided to shift factory premises,

accordingly the factory was shifted from Irungattukottai Village to Thandalam village. At that time the personal file of the company employees was misplaced and kept non-traceable. The petitioner/respondent was unable to retrieve the case papers to give proper instructions to the counsel. Most of the back papers were mixed up with other files. Further, the custodian of the case files have resigned their job and left the company.

The pending court cases were not perused on time by the management. Due to resignation and lack of managerial staff, the petitioner/respondent was unable to give instructions to the counsel in a time bound manner. When things were being so, on 16.09.2022 the petitioner/respondent was called absent and set exparte. Thereafter, no representation on the part of the respondent/petitioner, hence the petition was dismissed for default on 23.12.2022 and then it was restored. The petitioner/respondent company has got a good case, and the petitioner/respondent has a fair chance to succeed the Industrial dispute. If the exparty award dated 14.06.2024 passed against the petitioner/respondent is not set aside then this petitioner/respondent company will be put into severe hardship and loss. The non-appearance before this court is neither willful nor wanton but for the bonafide and sufficient case. Hence this petition.

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

The petitioner filed I.D.No.148/2021 on 03.12.2021. The management

filed vakalath on 14.03.2022, after the summons was served on 07.12.2021. After that, the case was adjourned for 7 hearings from 08.04.2022 to 05.08.2022 for the management side to file counter. Since no one from the management side appeared on 05.08.2022 Petitioner was set exparte. After that, the Management side informed that they are going to file a set aside petition, so the petitioner had to refrain from Proceeding. Despite waiting for the management to file the set aside petition, as the management failed to file the set aside petition, as the management did not appear before court, the evidence was given on 19.01.2024 on the part of the respondent/petitioner and on 07.06.2024 the argument was heard, thereafter on 14.06.2024 this court passed an award.

Thereafter, a letter was sent by the petitioner on 16.07.2024 seeking implementation of the judgment. The management which received it on 20.07.2024 did not give any reply and prolonged without giving any employment to the petitioner.

The petitioner draws attention to the fact that in the cases Nos.710/2018 & 60/2019 filed against the petitioner S.Ponnusamy and G.Gurumurthy, the management had filed charges and dismissed them and in that case, this Court has ruled on 28.02.2023 that there is no irregularity and that the dismissal was retaliatory action. In this situation, the management gave false reasons and after 2 ½ years of delay, on the part of the management, petition filed to condone delay and to set aside exparte award. Due to 2 ½ years of careless

action by the management, the case is still at the initial stage for all these years. As a result, the petitioner was subjected to great hardship and indebtedness.

Therefore, to dismiss the petition seeking to set aside the exparte order by the petitioner/respondent, which has behaved indifferently towards the court and has been indifferent towards the case and if it is decided to allow this petition, it is requested that the petitioner should pay the maximum cost to the respondent/petitioner.

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

5. Records Perusal. Petition is filed to set aside the exparte order. In the counter it is stated that, if court comes to conclusion to allow the petition, to be allowed on imposing heavy cost.

In lieu of the same petition is allowed on cost of Rs.1000/- to be paid to respondent on or before 10.07.2025 failing which 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 July 2025.

Presiding Officer,
Labour Court,
Kancheepuram.