

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE DR.JUSTICE P.DEVADASS

W.A.No.1288 of 2015

and

M.P.No.1 of 2015

M/s.MRF Employees Union,
Regn. No.3069,
represented by its General Secretary,
No.37, Pattinatharkoil Street,
Tiruvottiyur,
Chennai-600 019. ... Appellant/3rd Respondent

Vs.

- 1.The Management of MRF Ltd.,
rep by its General Manager,
Post Box No.5285, Tiruvottiyur High Road,
Chennai-600 019.
- 2.The Principal Secretary,
Government of Tamil Nadu,
Department of Labour & Employment,
Fort St. George,
Chennai-600 009.
- 3.The Assistant Commissioner of Labour-II
(Conciliation),
Kuralagam,
Chennai-600 108.
- 4.The Presiding Officer,
Industrial Tribunal,
Chennai-600 001 ..Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court dated 21.07.2015 passed in W.P.No.11665 of 2014. Writ petition is filed U/A. 226 of the constitution of India for a Writ of Mandamus to direct the first respondent to consider the demands of the petitioner pleaded in its charter of demands dated 06.07.2013 submitted to second respondent vide letter dated 20.11.2013 and morefully, described in the representation dated 28.03.2014 made to the first

respondent and pass orders with regard to the same.

For appellant : Mr.V.Prakash,
for Mr.K.Sudalaikannu

For Respondents: Mr.T.R.Rajagopalan, SC
for M/s.T.S.Gopalan & Co., for R-1
Mrs.A.Srijayanthi, Spl.G.P for RR2 and 3

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant appeal arises from the order dated 21st July, 2015 passed in W.P.No.11665 of 2014. The Management / first respondent herein filed the writ petition, seeking a direction to consider the demands of the writ petitioner management placed in its charter of demands dated 6th July, 2013 submitted to the third respondent herein and to pass orders.

2 The learned Single Judge, examining all the facts, by order dated 21st July, 2015, held as under :

"19. On considering the facts and circumstances of the case and arguments advanced by the highly competent counsels and on perusing the typed-set of papers, this Court directs the first respondent to consider the petitioner's demand, placed in his charter of demands dated 06.07.2013 submitted by the second respondent vide letter dated 20.11.2013 and more fully described in the representation of the petitioner dated 28.03.2014 made to the first respondent, for adjudication before Industrial Tribunal immediately and that the Industrial Tribunal is directed to take into consideration the demands of the Management and that of the Union comprehensively before adjudication and then pass an award within six months.

3 The main plank of the contention of Mr.V.Prakash, who is the President of the appellant Union, is that the direction given to the second respondent is in the nature of referring the matter to the Labour court without applying its mind. It is also submitted that the further direction issued to the Industrial Tribunal to take into consideration the demands of the management and the union together is also without application of mind.

4 On the other hand, Mr.T.R.Rajagopalan, learned Senior Counsel, appearing for the management / first respondent herein would submit that the Industrial Tribunal had already considered the application and directed to take up I.D.Nos.8 of 2014 and 33 of 2015 together for joint hearing. Thus, nothing survives at this stage.

5 Heard the learned counsel for parties and perused the pleadings.

6 On perusal of the order dated 5th December, 2015 passed by the Industrial Tribunal, it appears that the order passed in the instant writ petition, being W.P.No.11665 of 2014 was brought to the notice of the learned Presiding Officer of the Industrial Tribunal. Albeit it was observed that clubbing of both cases in I.D.No. 8 of 2014 and 33 of 2015 was directed not pursuant to the direction of the court, but applying the mind independently.

7 Be that as it may, there is reasonable apprehension in the mind of the workmen that both cases, being I.D.Nos.8 of 2014 and 33 of 2015 are of different nature and in view of the observation made by the learned Single Judge, as aforestated, the order of clubbing and hearing together was passed.

8 We are not inclined to make any observation at this stage. However, we make it clear that the learned Presiding Officer of the Industrial Tribunal, Chennai will hear the applications afresh, on merit and in accordance with law, without being influenced by the observations, if any, made by the writ court in the order dated 21st July, 2015 and pass a reasoned order, after hearing both parties. Such exercise shall be completed at the earliest.

9 With the aforestated observations and direction, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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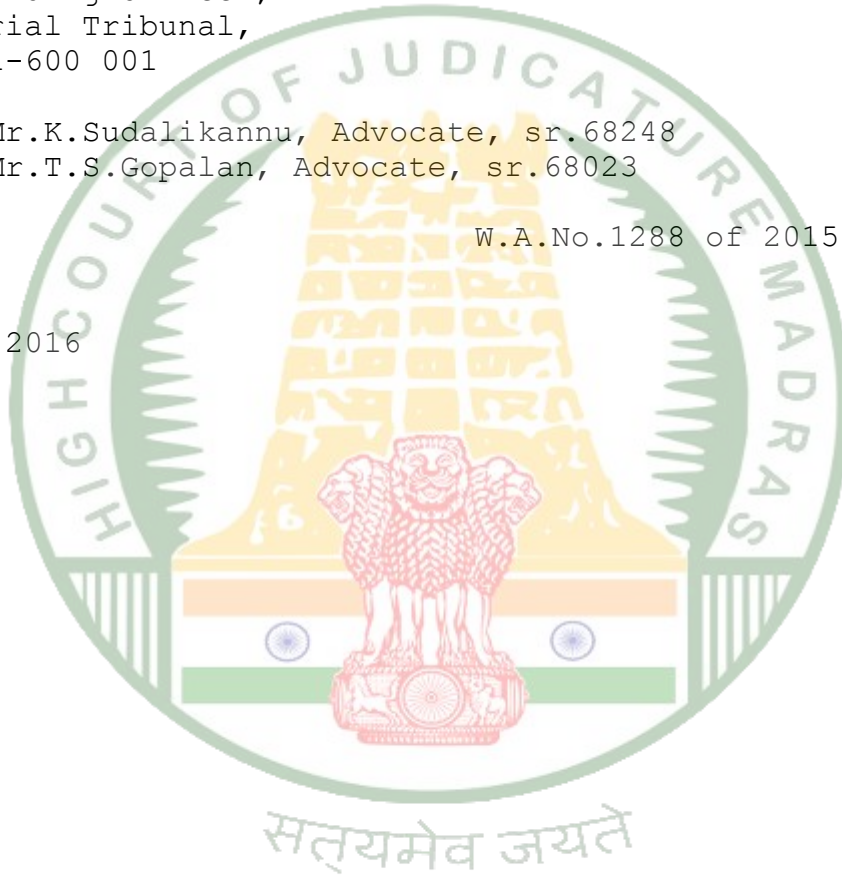
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Chennai-600 001

+1 cc to Mr.K.Sudalikannu, Advocate, sr.68248

+1 cc to Mr.T.S.Gopalan, Advocate, sr.68023

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