

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.A.No.1667 of 2015
and
M.P.No.1 of 2015

Bharat Heavy Electricals Limited
Tiruchirapalli - 620 014 rep. by
its Executive Director ... Appellant/3rd Party

Vs.

1.BHEL Valaga Oppanda Thozhilalar
Nala Sangam rep. by its ... Petitioner
General Secretary M.Sekar

2.The Secretary,
Government of India,
Ministry of Labour and Employment,
Shram Sakthi Bhawan, Rafi Marg,
New Delhi.

3.The Assistant Labour Commissioner,
No.DA2 BSNL Staff Quarters (Central),
Jaya Nagar, Reddiyalpalayam,
Puducherry - 605 010. ... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 23.07.2015 made in W.P.No.9271 of 2015. Petition filed under Article 226 of the constitution of India for issuance of a writ of Certiorari Mandamus, call for the records relating to the impugned letter in reference No-L-42011/07/2015 - IR (DU) dated 29.05.2015 on the file of the 1st Respondent and quash the same and further direct the 1st respondent to make and reference the industrial dispute before the central Government Industrial tribunal - Cum- Labour Court,

Chennai for adjudication based on the failure of conciliation report No.8/28/2015/PDY u/s.12(4) I.D.Act dated 13.01.2015 on the file of the 2nd Respondent of the Assistant Commissioner (Central), Puducherry.

For Appellant .. Mr.Vijay Narayan,
Sr. Counsel
for M/s.John Zachariah

For Respondents .. Mr.A.Thiagarajan,
Sr. Counsel
for M/s.D.Veerasekaran for R1

JUDGMENT

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

With the consent of the learned counsel for the parties, the writ appeal is taken up for final disposal.

2.Impugning the order dated 31 July 2015 passed by the learned single Judge in W.P.No.9271 of 2015, the appellant management is before us.

3.Learned senior counsel appearing for the appellant fairly submits that the Writ Court, while directing the proceedings pending before the Central Government Industrial Tribunal to continue, made certain observations, which will have a binding effect in the adjudication by the Tribunal, as the Tribunal is seized of the matter.

4.Learned senior counsel appearing for the first respondent/writ petitioner fairly submits that any observation on merit, which have an effect on fair adjudication by the Tribunal, may be deleted.

5.Having considered all the facts, we are of the view that all the observations made in respect of the merits of the case have to be deleted and the Tribunal shall be given liberty to proceed with the matter in accordance with law. Accordingly, all the observations made in respect of the merits of the case stand deleted and the Tribunal is at liberty to proceed with the matter in accordance with law and on its own merits dehors the

observations made in the impugned order.

6.With the above observation, the writ appeal is disposed of. No costs. consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi

To

- 1.The Secretary,
Government of India,
Ministry of Labour and Employment,
Shram Sakthi Bhawan, Rafi Marg,
New Delhi.
 - 2.The Assistant Labour Commissioner,
No.DA2 BSNL Staff Quarters (Central),
Jaya Nagar, Reddiyapalayam,
Puducherry - 605 010.
- +1 cc to Mr.John Zachariah, Advocate, sr.66500
+2 ccs to Mr.D.Veerasekaran, Advocate, sr.66218

W.A.No.1667 of 2015

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kra 22.12.2015

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