

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.Nos.29320 & 29321 of 2014 &
M.P.Nos.1 of 2014 (2 MPs)

M/s.Midrange Components,
Rep. By its General Manager - D.Indrajit,
No.42, Walaja Road,
Mel Venkatapuram,
Perunkachi Post,
Sholingur, Vellore District ... Petitioner in both WPs

v.

The Presiding Officer,
The Principle Labour Court,
Vellore. ...1st Respondents W.P.29320/13
& 29321/13

R.Elumalai ...2nd Respondent in W.P.29320/13

M/s.Real Talent Engineering Limited,
Showa Diviison,
Melvenkatapuram,
Sholinghur

M/s. Brakes India Ltd.,
21,Patullos Road,
Chennai - 600 002. .. Respondents 3&4 in W.P.29320/13
& 29321/13

S.Jaganathan ... 2nd respondent in W.P.Nos.29321/2013

Writ Petition No. 29320/2014 is filed under Article 226 of the Constitution of India to issue a Writ of certiorari, calling for the records of the 1st respondent in I.A.No.169 of 2014 in I.D.No.83 of 2013 and quash its order dated 27.08.2014

Writ Petition No. 29321/2014 is filed under Article 226 of the Constitution of India to issue a Writ of certiorari, calling for the records of the 1st respondent in I.A.No.170 of 2014 in I.D.No.82 of 2013 and quash its order dated 27.08.2014

For Petitioner : Mr.S.Ravindran
For Respondents : Mr. V.Prakash, Sr. Counsel
for Mr.K.Sudalaikannu - for R2
in both WPs.
No appearance - for R3 & R4

COMMON ORDER

Challenging the order passed by the Principle Labour Court, Vellore in I.A.Nos.169 and 170 of 2014, the petitioner has filed the above writ petitions.

2. It is the case of the petitioner that originally, the second respondent in both the writ petitions, viz., R.Elumalai and S.Jaganathan were employees under the third respondent and at their instance, the petitioner company has been impleaded by order dated 27.8.2014 in I.A.No.169 of 2014 in I.D.No.83 of 2013 and in I.A.No.170 of 2014 in I.D.No.82 of 2013.

3. According to the employees, the third respondent company was taken over by the petitioner company and therefore, the petitioner company is a proper and necessary party for the proper adjudication of the industrial dispute.

4. The said Interlocutory Applications were opposed by the petitioner company on various grounds.

5. The Labour Court while allowing the Interlocutory Applications found that the petitioner company is running the respondent factory in the same premises. However, the title of the third respondent company has not been transferred in favour of the petitioner company.

6. It is also not in dispute that the petitioner company have control and supervision over the staff of the third respondent company.

7. The Labour court found that the petitioner is proper and necessary party for proper adjudication of the industrial dispute. When there is no dispute that the petitioner company is running the 3rd respondent factory in the same premises and that it is controlling and supervising the staff of the third respondent company, the Labour Court rightly found that the petitioner company is a proper and necessary party. However, the learned counsel appearing for the petitioner submitted that the title of the company has not been transferred in favour of the petitioner company, they are not proper and necessary party. In these circumstances, the petitioner can establish its case at the time of trial before the Labour Court while deciding the I.D.Nos.82 and 83 of 2013. The Labour court shall take into consideration the oral and documentary evidences let in by the parties and shall give a finding with regard to the rights of the petitioner company. The order of the Labour Court passed I.A.No.169 of 2014 in I.D.No.83 of 2013 and in I.A.No.170 of 2014 in I.D.No.82 of 2013 are confirmed.

8. In these circumstances, I am of the considered view that the present writ petitions are devoid of merits and the same are liable to be dismissed. Accordingly, the writ petitions are dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

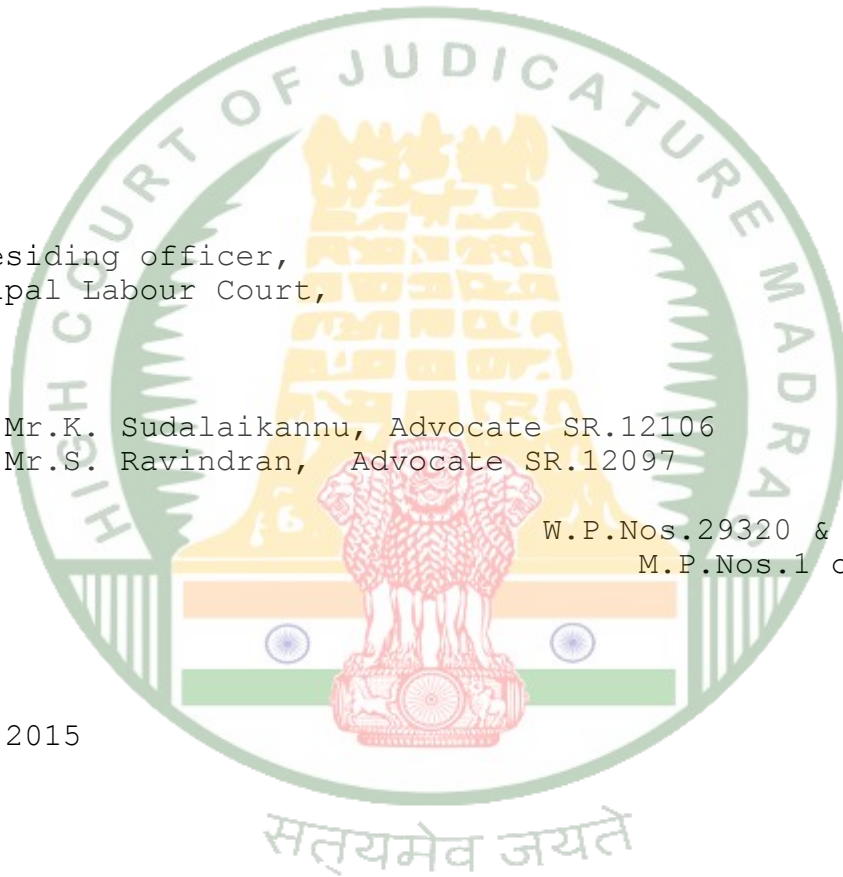
TO

1. The Presiding officer,
The Principal Labour Court,
Vellore.

+ 1 cc to Mr.K. Sudalaikannu, Advocate SR.12106
+ 1 cc to Mr.S. Ravindran, Advocate SR.12097

W.P.Nos.29320 & 29321 of 2014 &
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RSI (CO)
EU 18.03.2015



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