

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 3/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.35448 of 2015

United Labour Federation
rep. By its Secretary
No.149 IV Floor
Thambuchetty Street
C.J.Complex
Chennai 600 001.

... Petitioner

vs

1. The Presiding Officer
Industrial Tribunal
Chennai 600 104.
2. The Management of Wipro
Infrastructure Engineering
rep. By its Managing Director
Plot C - 1 SIPCOT Industrial Park
Irungattukottai
Sriperumbudur
Kancheepuram.

... Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent, Industrial Tribunal, Chennai to dispose of Interlocutory Application No.126 of 2015 in I.D.No.26 of 2014 on the file of the Honourable Industrial Tribunal, Chennai.

For petitioner : Mr.V.Prakash
Senior Counsel
for Mr.K.Sudalaikannu

For respondents : Mr.G.Anand
for M/s.T.S.Gopalan & Co
for R.2

O R D E R

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

2. Heard Mr.V.Prakash, learned Senior Counsel for Mr.K.Sudalaikannu for the petitioner and Mr.G.Anand for M/s.T.S.Gopalan & Co for the second respondent/Management.

3. This writ petition is filed praying to direct the first respondent, Industrial Tribunal, Chennai to dispose of the Interlocutory Application No.126 of 2015 in I.D.No.26 of 2014 on the file of the Industrial Tribunal, Chennai.

4. At the very outset, it has to be pointed out that there is no allegation that the Industrial Tribunal has delayed the hearing of the Interlocutory Application filed by the petitioner. In such circumstances, the writ petitioner was not justified in seeking for a direction to the Tribunal to dispose of the same within a stipulated time. Assuming the petitioner had a grievance, then he could have moved before the Tribunal for an early hearing. That apart, there is no allegation against the second respondent Management that they are dragging on the matter.

5. This Court called for a report from the Tribunal as regards the stage of the Interlocutory Application. A report has been submitted stating that the Interlocutory Application which was filed in 2015, the Management has accepted notice and they have been granted time to file counter by 19 November 2015.

6. In the light of the above facts, this Court is not inclined to issue any directions to the Industrial Tribunal as there is no allegation of any delay or that the matter has been indefinitely prolonged. As rightly pointed out by the learned counsel for the second respondent though claim petition was filed before the Tribunal in 2014, the Interlocutory Application has been filed only recently. Therefore, the prayer sought for cannot be granted.

7. The learned counsel appearing for the second respondent submitted that the second respondent would file their counter affidavit to the Interlocutory Application within the time permitted by the Tribunal. The learned counsel for the second respondent further submitted that the Management has on their

own volition without even any application made by the petitioner had paid a sum of Rs.59,500/- (Rupees Fifty Nine thousand and five hundred only) as arrears for seventeen months at the rate of Rs.3,500/- p.m. This according to the second respondent was accepted without prejudice to the Industrial dispute raised. Further, the learned counsel for the second respondent submitted that the Management will extend full cooperation in the disposal of the Interlocutory application before the Industrial Tribunal.

8. The learned Senior Counsel appearing for the petitioner submits that the submission made on behalf of the second respondent Management may be recorded and that would satisfy the interest of the petitioner.

9. Accordingly, while declining to grant the relief sought for, the writ petition is disposed of by placing on record the submission made on behalf of the second respondent Management that they will extend full cooperation in the disposal of the Interlocutory Application before the Tribunal. It is made clear that the Tribunal while deciding the application shall not be in any manner influenced by any observation made in this order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

mvs.
To

Sub Assistant Registrar

1. The Presiding Officer
Industrial Tribunal
Chennai 600 104.
2. The Managing Director
Management of Wipro Infrastructure Engineering
Plot C - 1 SIPCOT Industrial Park
Irungattukottai, Sriperumbudur, Kancheepuram.

+1cc to Mr.K.Sudalaikannu, Advocate, S.R.No.60812
+1cc to M/s.T.S.Gopalan & Co, Advocate, S.R.No.60219

W.P.No.35448 of 2015

RSK(CO)
CA(25/11/2015)