

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1073 of 2015 &  
MP Nos.1 & 2 of 2015 & WMP No.6284 of 2016

Indian Oil Corporation Limited  
rep. by its Manager  
(Operations Safety)  
CPT Premises, G.M.Pettai  
Road, Royapuram, Chennai-13 [ PETITIONER ]

Vs

- 1 The Presiding Officer  
Central Government Industrial Tribunal  
cum Labour Court, Chennai.
2. Alfred Roacha (Contractor)  
No.32, AJ Colony  
2nd street, Royapuram  
Chennai 600 013.
3. P.Alagappan [RESPONDENTS] ]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari , to call for the records of the first respondent in C.P.No.1 of 2014 and quash the notice dated 24.09.2014.

For Petitioner : Mr.Anand Gopalan  
for Mr.T.S.Gopalan & Co.

For Respondents : Mr.P.Chandrasekaran – R3

ORDER

Heard Mr.Anand Gopalan, learned Counsel appearing for the petitioner and Mr.P.Chandrasekaran, learned counsel accepting notice for the third respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner is the Indian Oil Corporation and the challenge in this Writ Petition is to a notice issued by the Central Government Industrial Tribunal cum Labour Court (in short 'CGIT'), Chennai in C.P.No. 1 of 2014.

3.Though elaborate submissions were made by the learned counsel for the petitioner, the nutshell of the objections raised is the manner in which the CGIT has proceeded with the mater.

4.The third respondent has filed a Claim Petition under section 33 C(2) of the Industrial Disputes Act, 1947 before the CGIT on 08.05.2013. In the said Claim Petition there was a sole respondent, who is the second respondent herein. The Claim Petition was taken on file as C.P.No.1 of 2014 and it appears that the second respondent herein entered appearance and also filed a counter. Thereafter, an Interlocutory Application had been filed by the third respondent in I.A.No.216 of 2014 to implead the writ petitioner as the second respondent in the Claim Petition. That Claim Petition was allowed on 23.09.2015. The certified copy of the docket order has been filed in page No.30 of the typed set of papers which shows that the CGIT has allowed the Petition without notice to the petitioner herein.

5.The learned counsel for the third respondent submitted that the Application for impleadment was filed pursuant to the orders/ observations in W.P.No.6613 of 2007 dated 08.07.2011.

6.Be that as it may, the CGIT was required to issue notice to the party who is sought to be impleaded and after hearing the parties, the order could have been passed. However, in the instant case, the Interlocutory Application has been allowed straight away without notice to the writ petitioner. Hence, on this short ground alone, this Court is inclined to interfere with the order passed by the Labour Court on 23.09.2014. The petitioner has challenged the impugned proceeding on the ground that they came to know about the order only after the notice was received in the Claim Petition.

7.In the light of the above, the Writ Petition is allowed and the order passed in I.A.No.216 of 2014 dated 23.09.2014, is set aside and the said Application viz. I.A.No.216 of 2014 is restored to the file of the Labour Court of CGIT and the parties including the petitioner are directed to appear before the Tribunal and after hearing the parties, the Tribunal shall pass orders on merits and in accordance with law in I.A.No.216 of 2014, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

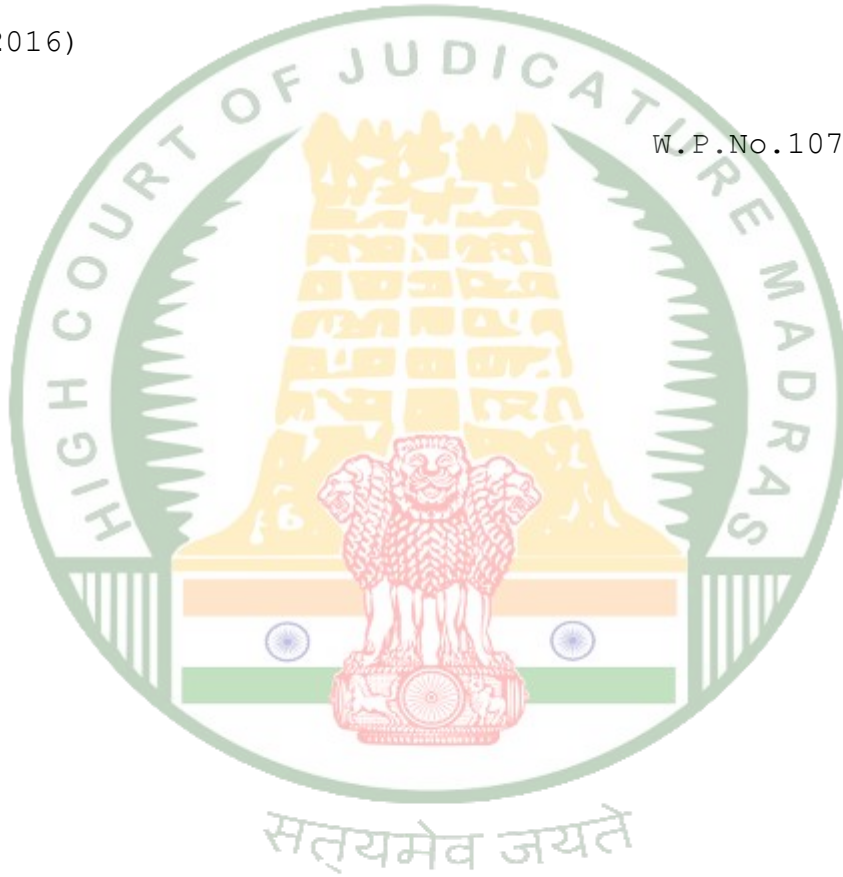
To

The Presiding Officer  
Central Government Industrial Tribunal  
cum Labour Court, Chennai.

+1cc to Mr.T.S. Gopalan, Advocate, S.R.No.21066  
+1cc to Mr.P. Chandrasekaran, Advocate, S.R.No.

KS (CO)  
EU (20/04/2016)

W.P.No.1073 of 2015



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