



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31 of 2015

M.P.No.1 of 2015 and W.M.P.No.3335 of 2016

Sunder & Company,
22 Jones Street,
Chennai - 600 001,
rep.by its Partner, M.Kumaravel

... Petitioner

Vs.

1. The Secretary,
Central Government Industrial Tribunal-cum-
Labour Court,
Shastri Bhavan,
Chennai,
2. M/s.Rashtriya Ispat Nigam Limited,
RINL VSP Administrative Building,
1st Floor, 3rd Block, Vishakapatnam Steel Plant,
Vishakapatnam - 530 031,
3. The Regional Manager,
Vizag Steel Plant,
No.1, Rashmi Towers,
4th Floor, Village Road,
Nungambakkam,
Chennai - 600 034,
4. The Madras Harbour Workers Union,
rep.by its General Secretary,
'BHAGAT HOUSE'
No.48, Prakasam Salai,
Broadway,
Chennai - 600 108,
5. M/s.Sri Krishna Engineering & Construction Co.,
'Kalyani'', No.9/2, MVP Colony,
Vishakapatnam - 530 017.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of certiorari to call for the records of the 1st respondent in I.D.No.59 of 2014 and quash the notice dated 11.12.2014.



WEB COPY

For Petitioner : Mr.C.K.Chandrasekar for
Mr.J.Senthil Kumar

For Respondents : Mr.Balan Haridas for R4
Ms.P.T.Asha
for M/s.Sarvabhauman Associates
for RR.2 and 3

ORDER

The petitioner is M/s.Sunder & Company and its grievance is against the order passed by the 1st respondent - Central Government Industrial Tribunal cum Labour Court, Chennai, (hereinafter referred to as 'CGIT') in an interlocutory application I.A.No.258 of 2014 filed by the 4th respondent herein, which is the Workers union which raised an Industrial Dispute before CGIT in ID.No.59 of 2014. The said interlocutory application was filed by the 4th respondent Union to implead the petitioner herein viz., the Management, Sunder and company as the 4th respondent in the I.D.

2. From the docket orders, it is seen that the 1st respondent in the impleading petition viz., Sri Krishna Engineering & Construction Company did not file any counter. Respondents 2 and 3, who are respondents 2 and 3 in this writ petition, conveyed their no objection. Without notice to the writ petitioner - Company, the said interlocutory application for impleadment has been ordered and they have been impleaded as respondent No.4 in the ID.No.59 of 2014. Thus, it is clear that without sufficient opportunity to the petitioner they have been brought into the proceedings and it is stated that the Labour Court has posted the matter for their evidence tomorrow (1.3.2016). The petitioner herein was sought to be impleaded as respondent No.4 in the dispute by the Employees Union, which raised the dispute. Therefore, they are entitled to an opportunity to state that they are neither proper nor necessary party to the dispute. However, that opportunity was not provided to them by the CGIT. Therefore, it is good and sufficient reason to set aside the order passed by the CGIT in I.A.No.258 of 2014, though it appears that subsequently the cause title of the Industrial Dispute has been corrected and they have been impleaded as respondent.

3. Accordingly, the writ petition is allowed and the order passed by the 1st respondent in I.A.No.258 of 2014 in I.D.No.59 of 2014 dated 11.12.2014 is set aside and I.A.No.258 of 2014 is restored to the file of 1st respondent with a direction to the 1st respondent to hear the writ petitioner as well as other respondents and pass fresh orders on merits and in accordance with law within a period of two weeks from the date of receipt



of copy of this order. It is thereafter open to the 1st respondent to proceed with the Industrial Dispute, subject to the orders to be passed in I.A.No.258 of 2014. It is open to the petitioner company to file their counter to the petition for impleadment, if they are impleaded, which shall be considered by the 1st respondent. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

usk

To

The Secretary,
Central Government Industrial
Tribunal-cum-Labour Court,
Shastri Bhavan,
Chennai

+lcc to Mr.J.Senthil Kumar, Advocate, S.R.No.12720
+lcc to Mr.Balan Haridas, Advocate, S.R.No.13282
+lcc to M/s.Sarvabhauman Associates, Advocate, S.R.No.12738

W.P.No.31 of 2015

SVI (CO)
CA(09/03/2016)