

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.A.No.1113 of 2016 and W.P.No.32852 of 2013
and
C.M.P.No.14416 of 2016

Ranipet Labour Union,
Regn. 1677
represented by its Secretary
Shri S.Nagarajan,
No.11, Mahatma Gandhi Road,
Ranipet, Vellore District-632 401.

.. Appellant in W.A.
and Petitioner in W.P.

Vs.

1.The Presiding Officer,
Industrial Tribunal,
Chennai.
2.The Management of Roca Bathroom
Products Private Limited,
represented by its General Manager,
No.11, Mahatma Gandhi Road,
Ranipet, Vellore District-632 401.

.. Respondents in
both W.A. and W.P.

W.A.No.1113 of 2016 is preferred under Clause 15 of the Letters Patent Act against the order passed in M.P.No.1 of 2015 in W.P.No.32852 of 2013, dated 7.3.2016.

W.P.No.32852 of 2013 is preferred under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the

records in connection with the order passed in M.A.No.33 of 2013, in I.D.No.3 of 2013, by the Industrial Tribunal, Chennai, the first respondent herein and quash the same and to further direct the second respondent Management to pay Rs.7500/- per month to each worker, pending disposal of the industrial dispute, relating to the wage increase of the workers.

For Appellant : Mr.V.Prakash, SC
and Petitioner for Mr.K.Sudalai Kannu

For Respondents : Mr.Anand Gopal
for M/s.T.S.Gopalan & Co. for R-2

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COMMON JUDGMENT

(Judgment of the Court was made by **M.JAICHANDREN, J.**)

This writ appeal had come up for hearing, on 12.09.2016, and had been disposed of on the said date, along with W.P.No.32852 of 2013, in view of the memo filed on behalf of the appellant / writ petitioner. However, before the order could be typed and signed, the matter has been directed to be listed for some clarification. Accordingly, the matter is listed today, for clarification.

2 Heard the learned Senior Counsel appearing on behalf of the appellant / writ petitioner and the learned counsel appearing on behalf of the second respondent.

3 It has been stated by the learned Senior Counsel appearing on behalf of the appellant that the appellant Union has filed an industrial dispute, in

I.D.No.3 of 2013, before the Industrial Tribunal, Chennai. Pending disposal of the above dispute, the appellant Union had also filed an interim application, in I.A.No.33 of 2013, before the Tribunal, praying for the grant of an interim relief of about Rs.7500/-, per month, to each workman. The Industrial Tribunal, by its order, dated 27.8.2013, directed the Management to pay Rs.30,000/- each, to the workmen, represented by the appellant Union, on an adhoc basis, pending final determination of the dispute. The said order is challenged in the present writ petition.

4 It has been further stated that pending disposal of the writ petition, the appellant Union had filed two miscellaneous petitions, in M.P.Nos.1 of 2013 and 1 of 2015, praying for a direction to the Management to pay a sum of Rs.7500/-, per month, as an interim relief and to pay a sum of Rs.75,000/- to each member of the Union, respectively. The learned Single Judge, by an order, dated 17.3.2016, had dismissed both the miscellaneous petitions. Therefore, the Union has filed the present writ appeal.

5 At this stage of the hearing of the writ appeal, the learned Senior Counsel appearing on behalf of the appellant / writ petitioner has filed a memo, dated 12.09.2016, stating that the Industrial Tribunal, Chennai, may be directed to expedite the disposal of the industrial dispute, pending in I.D.No.3 of 2013 and in view of the same, the appellant is not pressing the present writ appeal, as well as the writ petition, in W.P.No.32852 of 2013.

6 The learned counsel appearing on behalf of the second respondent has submitted that the management has also filed an industrial dispute, in I.D.No.29 of 2013, on the file of the Industrial Tribunal, Chennai, and that the said Industrial Tribunal may be directed to dispose of both the industrial disputes together, by conducting a joint trial.

7 In view of the said submissions made by the learned counsels appearing on behalf of the parties concerned and in view of the memo, dated 12.9.2016, filed on behalf of the appellant / writ petitioner, the first respondent Industrial Tribunal, Chennai, is directed to club both the industrial disputes, in I.D.Nos.3 and 29 of 2013, together, and dispose of the same, expeditiously, on merits and in accordance with law. The Tribunal is expected to follow Rule 34(9) of the Tamil Nadu Industrial Dispute Rules, 1958, in letter and spirit and bring the issues arising before it to a logical end. Both the writ appeal and the writ petition are disposed of, with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

(M.J.J.) (S.V.N.J.)

19.09.2016

Index : Yes/No

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To

The Presiding Officer,
Industrial Tribunal,
Chennai.

M.JAICHANDREN, J.
and
S.VAIDYANATHAN, J.

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W.A.No.1113 of 2016
and
W.P.No.32852 of 2013

19.09.2016