

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.5013 of 2015

ORDER:

This revision is preferred by the petitioner in O.P.No.849 of 2015 calling in question the correctness of the orders passed by the XIII Additional District and Sessions Judge, Ranga Reddy District on 17.11.2015 in I.A.No.560 of 2015.

In I.A.No.560 of 2015, the petitioner in O.P. prayed for grant of stay of all further proceedings including the election process being taken by the 2nd respondent namely, the Joint Commissioner of Labour (Twin Cities) Hyderabad, for the Hyderabad Industries and Workers Union, Sanathnagar, Ranga Reddy District. It is the case of the petitioner that the schedule of the election process is slated for 22.11.2015, whereas the Court passed the docket order posting the Interlocutory Application to 23.11.2015. Therefore, the criticism made by Sri A. Sameer Kumar Reddy, learned counsel for the petitioner that the Court has not applied its mind at all appears to be a well founded criticism. When the election process is to be undertaken on 22.11.2015, what order of injunction to restrain such an election can be passed thereafter, I fail to understand. Therefore, the impugned docket order dated 17.11.2015 in O.P.No.849 of 2015 is clearly not sustainable.

This apart, the legal principle settled by this Court is that the Joint Commissioner of Labour (Twin Cities) Hyderabad, the 2nd respondent to O.P. or for that matter any other officer of the Labour Department does not discharge any statutory function in the code of verification exercise, but merely acts as neutral/3rd party. In spite of the said legal principle, the docket order reflects a doubt in the mind of the Court as to whether the provision of sub Section 2 of Section 80 of C.P.C. is to be complied with or not.

Sri K.Lakshman, learned counsel appearing for the 4th respondent would submit that on one pretext or the other the present petitioner is stalling the verification exercise. When the revision petitioner instituted writ petition and the same was resisted, this court has rendered its judgment ultimately holding the writ petition as not maintainable. Then at the very last minute, he filed the O.P. Even this OP is not maintainable. It is also brought to my notice that Sri B.Sudhakar Reddy and K.Lakshman have filed their counter not only in the O.P., but also in I.A.No.560 of 2015. Therefore, Sri Lakshman would point out that the verification of the majority Trade Union should be allowed to go on so that the wage revision which is due for the past several months can be taken up unhindered. Sri A.K.Jaya Prakash Rao, learned counsel who entered appearance for the 3rd respondent-Industry, would submit that O.P. is certainly not maintainable and the delay in verification process is causing considerable hardship for maintaining the necessary industrial relations.

Keeping all these factors in mind, all I need to point out is that it shall be open to the 3rd respondent-Industry to take up immediately the wage revision exercise and this exercise shall be accomplished at the earliest. However, the Court below will deal with I.A.No.560 of 2015 as expeditiously as possible and shall decide the same on merits before 25.01.2016.

Since Sri K.Lakshman has made available one set of papers of counter in O.P. and I.A., a copy of the same shall be made available to the learned counsel for the petitioner so that necessary steps can be taken for contesting O.P. as well as I.A.

It shall also be open to the Court to deal with the preliminary objections raised by Sri Lakshman, that the said O.P. is not maintainable. The two interlocutory applications filed by the petitioner in the OP, one for advancing the date of O.P. and another for amendment shall also be taken up for consideration simultaneously.

With this, this revision stands disposed of.

Consequently, miscellaneous petitions, if any pending shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

07.01.2016

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