

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.11705 of 2014
and M.P.No.1 of 2014

Godrej Soaps (Ambattur) Employees' Union
rep. by its General Secretary,
Regd No.CPT/877 (AIGOSAEF),
No.4, Dr.Rajendra Prasad Street,
Vinayagapuram,
Ambattur,
Chennai-600 053. ...Petitioner

Vs

1.Government of Tamil Nadu
rep.by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.

2.The Presiding Officer,
I Additional Labour Court,
High Court Campus,
High Court,
Chennai-600 104.

3.The Presiding Officer,
III Additional Labour Court,
High Court Campus,
High Court,
Chennai-600 104.

4.The Management of Godrej Agrovvet Limited,
No.1B, Industrial Estate,
Ambattur,
Chennai-600 098.Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the applications of the petitioner dated 25.10.2013 and 15.03.2014 for transfer filed under Section 33B of the Industrial Disputes Act, 1947, in accordance with law.

For Petitioner : Mr.Balanharidas
For Respondents: Mr.T.M.Pappiah
Special Government Pleader
for R1 to R3

Mr.Sanjay Mohan
for M/s.Ramasubramanian
for R4

O R D E R

This petition has been filed seeking for a direction to the 1st respondent to consider the applications of the petitioner dated 25.10.2013 and 15.03.2014 for transfer filed under Section 33B of the Industrial Disputes Act, 1947, in accordance with law.

2.When the matter was taken up for hearing, Mr.C.Balanharidas, learned counsel appearing for the petitioner/Union and Mr.Sanjay Mohan, learned Senior counsel appearing for the 4th respondent/Management would submit that relating to the closure of the 4th respondent Company, the issues are pending before the III Additional Labour Court and I Additional Labour Court and several employees are aggrieved by the action taken by the Management.

3.According to the learned counsel, the Industrial Disputes in I.D.Nos.1 to 19 of 2009 are pending before the III Additional Labour Court in which the trial had not been completed. The disputes are posted for arguments. There are also connected disputes in I.D.No.276 to 278 of 2009 by individual workman, regarding non employment are pending before the III Additional Labour Court. However, the trial is yet to be commenced. There is also an industrial dispute raised by an individual for non employment, is also pending before the III Additional Labour Court in which the trial is also yet to be commenced.

4.The request of the learned counsel appearing for the parties is only in respect of Industrial Dispute in I.D.No.184 of 2011 in which the petitioner/Union has raised an issue in respect of non employment which is pending before the I Additional Labour Court in which the evidence of MW1 in I.D.Nos.1 to 19 of 2009 had been adopted and the matter is posted for further evidence. In view of the issues raised in these disputes, which are pending in two different Courts, the learned counsel urged this Court to transfer the Union dispute which is pending as I.D.No.184 of 2011 on the file of the learned I Additional Labour Court to the learned III Additional Labour Court in which all other disputes are also pending consideration.

5.Although the prayer seeks for a direction to the 1st respondent to consider the applications for transfer under Section 33B of the Industrial Disputes Act, taking note of the submissions of the learned counsel and in the absence of objections, this Court, by exercising its jurisdiction under Articles 226 and 227 of the Consitution of India, directs to transfer the case in I.D.No.184 of 2011 pending on the file of the I Additional Labour Court to the III Additional Labour Court, Chennai. The learned III Additional Labour Court, Chennai, is directed to deal with the said I.D.No.184 of 2011 along with the other connected pending disputes.

Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.

2.The Presiding Officer,
I Additional Labour Court,
High Court Campus,
High Court,Chennai-600 104.

3.The Presiding Officer,
III Additional Labour Court,
High Court Campus,
High Court, Chennai-600 104.

+ 1 cc to Mr. S. Ramssubramanaian, Advocate SR.50852
+ 1 cc to Government Pleader Sr.51338
+ 1 cc to Mr.Balan Haridoss, Advocate Sr.51102

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PVS (CO)

EU 30.08.17