

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.14427 of 2017
and
W.M.P.Nos.15636 & 15637 of 2017

The Management,
Vedanta Limited,
Mettur Dam,
Salem District 636 402

...Petitioner
Vs.

1. The Presiding Officer, ,
Labour Court,
Salem
2. President / Secretary,
Mettur Malco and Anal Min Nilayam,
Anna Pothu Thozhilalargal Sangam,
Malco, Mettur Dam 636 402.
3. President / Secretary,
Aluminium Thozhilalargal Sangam (INTUC),
MALCO Mettur Dam 636 402.
4. President / Secretary,
MALCO Workers Union (LPF),
MALCO Mettur Dam 636 402.

सत्यमेव जयते
...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records comprised in the impugned order dated 13.03.2017 passed in I.A.No.66 of 2017 in I.D.139 of 2012 passed by the 1st Respondent, and quash the same and consequently direct the first respondent to take on record the power of attorney executed in favour of Mr.P.Ramanath, CEO Sterlite Coper and residual MALCO, on behalf of the company Vedanta Limited, as exhibit evidence in I.D.139 of 2012.

For Petitioner : Mr.R.Parthasarathy

For Respondents : R1 - Court
Mr.K.M.Ramesh for R3

O R D E R

Challenging the order of the first respondent dated 13.03.2017 passed in I.A.No.66 of 2017 in I.D.139 of 2012 and for a consequential direction to take on record the power of attorney executed in favour of Mr.P.Ramanath, CEO Sterlite Coper and residual MALCO, on behalf of the petitioner company, the present writ petition has been filed.

2.Pending the dispute in I.D.No.139 of 2012, raised on behalf of the Private Respondent/third respondent, an application was filed by the Petitioner in I.A.No.66 of 2017 after the evidence on his behalf is over, seeking to mark the Power of Attorney for authorisation. The said application was dismissed on the sole ground that it has not been registered.

3. The learned counsel appearing for the petitioner would submit that such registration would be required only for the transfer of properties and not the situation in which the present case is involved.

4.Learned counsel appearing for the third respondent would submit that there is no distinction between the nature of power deed and thus everyone of them will have to be registered after 2012.

5.This Court does not find any error in the order passed by the Labour Court. A power deed has to be registered. When such a deed is not registered, it becomes inadmissible in law and therefore, cannot be looked into. In such view of the matter, this Court does not find any reason to interfere with the order passed by the Labour Court and accordingly, the writ petition is dismissed.

6.Learned counsel appearing for the petitioner would submit that even the authorisation given to the management witness, is not accepted. It is the different issue. In law, there can also be subsequent ratification as held by the Apex Court in United Bank of India Vs. Naresh Kumar and others ((1996) 6 Supreme Court cases 660) and Peelers General Finance and Investment Co. Ltd., Vs.Punjab & Sindh Bank (II R(2008)I Delhi 203).

7.In such view of the matter, dismissal of the writ petition will not stand in the way of the petitioner filing subsequent authorisation, which if filed will have to be marked and taken on file, subject to its admissibility and relevancy, which can be taken note of at the time of the final hearing of the dispute.

8.With the above observation, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,,
Labour Court,
Salem

+1 CC to M/s. Sathish Parasaran, Advocate sr 41733

+1 CC to Mr.K.M. Ramesh, Advocate sr 41413

WRIT PETITION NO. 14427 of 2017

NR(CO)
sp/21/6

सत्यमेव जयते

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