

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.28547 of 2015
and
M.P.No.1 of 2015 and
W.M.P.No.9406 of 2016

Neyveli Lignite Corporation Limited
rep. By its Chairman cum Managing
Director, Corporate Office,
Neyveli - 607 801.

Petitioner

Vs.

1. P.Kumar
2. The NLC INDCOSERVE Society
rep. By its Managing Director
3. The Presiding Officer,
Labour Court, Cuddalore,
Cuddalore District.

Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the entire records relating to the impugned order dated 30.07.2014 passed in I.A.No.13 of 2014 in I.D.No.24 of 2012 on the file of the third respondent and quash the same.

For Petitioner

.. Mr.N.Nithianandam

For Respondents

.. Mr.S.Ayyathurai for R1
R2 - No appearance
R3 - Court

ORDER

Challenging the impugned order dated 30.07.2014 passed in I.A.No.13 of 2014 in I.D.No.24 of 2012 on the file of the third respondent, the petitioner has come up with the present writ petition.

2.The petitioner herein has been impleaded as a party respondent in the dispute raised before the third respondent in I.D.No.24 of 2012, pursuant to the order passed in I.A.No.13 of 2014. Learned counsel appearing for the petitioner would submit that the demand has been made only against the second respondent, which is a Society, the first respondent is the employee of the second respondent and the petitioner is neither necessary nor a proper party in the adjudication. Incidentally, it is submitted that the forum would be somewhere else if the relief is sought against the petitioner.

3.Learned counsel appearing for the first respondent would submit that the third respondent viz., the Labour Court found that the presence of the petitioner is necessary and therefore, no interference is required.

4.The jurisdiction of this Court over a decision made by the Labour Court viz., the third respondent on an interlocutory application is rather limited. Law is quite clear that the interference over an interlocutory application has to be minimal and the parties will have to be encouraged to have an adjudication on merit at the time of final disposal of the dispute raised. This Court is concerned with the decision making process rather than the decision. It is only a prima facie consideration by the third respondent. The question as to whether the petitioner is liable as against the second respondent, is a matter for evidence. Thus this Court does not want to exercise its extraordinary jurisdiction at this stage, especially, the dispute is pending from the year 2012 onwards.

5.Accordingly, the writ petition stands dismissed, giving liberty to the petitioner to raise all the contentions at the time of disposal of I.D.No.24 of 2012. It is also made clear that the findings rendered by the Labour Court will not have a bearing on the respective contentions which are to be considered at the time of final disposal of the dispute.

6.Considering the facts of the case and taking note of the fact that the dispute is pending from the year 2012 onwards, a direction is issued to the third respondent to dispose of I.D.No.24 of 2012, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

The Presiding Officer,
Labour Court, Cuddalore,
Cuddalore District.

+1 CC to Mr. S. Ayyadurai, Advocate sr 19276

+1 CC to Mr.N.Nithianandam, 19266

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RK (CO)
sp/11/4



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