



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition Nos. 30888 and 30889 of 2016
and
W.M.P.Nos. 26759, 26760 / 2016, 628 to 631 /
2017

Writ Petition No.30888/2016

1. The Garrison Engineers
Military Engineering Service
INS Rajaji, Rep by V.K.Srivastave Ltd Co.
Naval Air Station
Arakkonam - 631 002.
2. The Commanding Officer
INS Rajaji
Naval Air Station
Camp Post
Akash Ganga
Arakkonam - 631 002. Petitioners
(IN both Wps)

Vs.

1. V.Dharani
2. R.Ramesh
3. S.Umashankar
4. K.Radhakrishnan
5. P.Kudiarasu
6. P.Rajasekar
7. A.Chandrasekaran
8. A.Victor
9. M.George
10. P.Jayakumar
11. S.Mohanarangam
12. A.Baskar
13. S.Ibrahimm
14. T.Winfred Prabakaran
15. K.R.Sarath Babu



WEB COPY

16.The Central Government Industrial Tribunal - Cum- Labour Court
First Floor, B-wing 26 Haddows Road
Shastri Bhawan, Chennai - 600 006.

17.The Management of Palani Enterprises
28/A, Murugappan Street
Stuartpet, Arakkonam - 631 001.

18.The Management of Industrial of
M/s.TNR Enterprises
23, V.P.Kovil Street, Palanipet,
Arakkonam.

19.The Management of Industrial Engineering Corporation (Madras),
Lakshmi Bhavan (Ground Floor)
609, Anna Salai
Chennai - 600 006.

20.The Management of R.D.Enterprises
Engineering Contractor
No.32, Arunachala Reddy, II Street
Arakkonam-631 001. ... Respondents

Prayer in WP No.30888/2017 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 16th respondents the award dated 26.4.2016 in I.D.Nos.308/2001 314/2001 315/2001 316/2001 320/2001 322/2001 325/2001 326/2001 327/2001 332/2001 333/2001 334/2001 335/2001 337/2001 & 98/2002 and quash the same.

For Petitioners: Mr.G.Rajagopalan
Assistant Solicitor General of India
For Mr.J.Madanagopal Rao
Mr.Balan Haridas

For Respondents : Mr.Balan Haridas [For R1 to R15]
M/s.Usha Raman [For R17 & R18]

Writ Petition No.30889/2016

1.P.T.Jagadeesh Kumar
2.L.Edwin Rajan
3.K.Parthasarathy
4.P.Joseph Rajakumar
5.A.Ragamatullah



- 6.B.Muniendran
7.C.Rajeseckharan
8.A.Syed Karimullah
9.J.Muthu
10.S.Simon Sundarraaj
11.A.Thivya Raj
12.N.Chandrasekhar Kumar
13.A.S.Andrews Babu
14.M.Murugan
15.D.Divakaran
16.V.Dhandapani

17.The Central Government Industrial
Tribunal - Cum- Labour Court
First Floor, B-wing 26 Haddows Road
Shastri Bhawan, Chennai - 600 006.

18.The Management of Palani Enterprises
28/A, Murugappan Street
Stuartpet, Arakkonam - 631 001.

19.The Management of Industrial of
M/s.TNR Enterprises
23, V.P.Kovil Street, Palanipet,
Arakkonam.

20.The Management of Industrial Engineering
Corporation (Madras),
Lakshmi Bhavan (Ground Floor)
609, Anna Salai
Chennai - 600 006.

21.The Management of R.D.Enterprises
Engineering Contractor
No.32, Arunachala Reddy, II Street
Arakkonam-631 001. ... Respondents

Prayer in WP No.30889/2017 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 17th respondent the award dated 26.4.2016 in I.D.Nos.308/2001 314/2001 315/2001 316/2001 320/2001 322/2001 325/2001 326/2001 327/2001 332/2001 333/2001 334/2001 335/2001 337/2001 & 98/2002 and quash the same.

For Petitioners : Mr.G.Rajagopalan
Assistant Solicitor General of India
For Mr.J.Madanagopal Rao



For Respondents : Mr.Balan Haridas [For R1 to R15]
M/s.Usha Raman [For R17 to R19]

C O M M O N O R D E R

WEB COPY

Mr.G.Rajagopalan, the learned Additional Solicitor General of India appearing for the petitioner made a submission that the Central Government Industrial Tribunal cum Labour Court passed an award on 26th April 2016 directing the respondents therein to reinstate the petitioners in each Industrial Dispute, in service within a month of publication of the award.

2.Further it is stated that the workmen are entitled to continuity of service and would be paid salary as per regular scale after reinstatement.

3.Further the learned Additional Solicitor General of India made a submission that it is an exparte award passed without the effective participation of the petitioner/management. Thus, the petitioner/ management had no opportunity to adjudicate the matter before the Central Government Industrial Tribunal cum Labour Court and therefore, the case may be remitted back for fresh trial, so as to conduct a full fledged effective adjudication.

4.The learned counsel appearing on behalf of the respondents/Workmen has not disputed the fact that it is an exparte award. Paragraph 7 of the award dated 26th April 2016, reads as follows:

"7.Some of the petitioners have filed Writ Petition No.36619/2004 before the Hon'ble High Court of Madras against the order of this Tribunal dismissing the applications filed by them to implead three more persons who are contractors in the party array. The case has been stayed during the pendency of the Writ Petition. The writ petition was dismissed as not pressed on 08.12.2015 and thus the say in the matters have been vacated. When the matter was taken up after disposal of the Writ Petition the respondents have failed to enter appearance in spite of postings given for their appearance. So Respondents have been set exparte."

5.Thus, it is made it clear that the petitioner/management had not participated in the adjudicative process and they remained exparte. At this stage, this Court need not go into the



merits and demerits of the case, since the petitioner/management was set exparte and the same was not disputed. Any matter under trial before the Central Government Industrial Tribunal cum Labour Court has to be adjudicated in full and a complete adjudication will alone provide a better solution and decision on the issues involved in the dispute.

6. That apart, this Court cannot now go into all the documents and evidences to be produced before the Central Government Industrial Tribunal cum Labour Court for effective adjudication of the matter. This being the view of this Court, the merits and demerits and the grounds raised in this writ petition, at this stage, need not be adjudicated by this Court and the ends of justice will be met if the matter is remanded back for a full fledged complete adjudication in all respects.

7. Accordingly, the common award passed by the Central Government Industrial Tribunal cum Labour Court, Chennai dated 26th April 2016 passed in Industrial Disputes bearing I.D.Nos. 308/2001 314/2001 315/2001 316/2001 320/2001 322/2001 325/2001 326/2001 327/2001 332/2001 333/2001 334/2001 335/2001 337/2001 & 98/2002 are set aside and the matter is remitted back to the Central Government Industrial Tribunal cum Labour Court, Chennai for re-trial and respective parties are at liberty to file necessary applications before the Central Government Industrial Tribunal in all respects for effective adjudication of the matter.

8. Now, it is brought to the notice of this Court that the Tribunal is not functioning. However, taking note of the long pendency of these cases, the Tribunal shall dispose of the same as early as possible, preferably within a period of six months from the date of appointment of the Presiding Officer in the Tribunal.

9. In fine, these writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar



To

The Presiding Officer
The Central Government Industrial
Tribunal - Cum- Labour Court
First Floor, B-wing 26 Haddows Road
Shastri Bhawan, Chennai - 600 006.

+2cc to M/s.Usha Ramman, Advocate sr.70176 & 70177

+1cc to M/s.Balan Haridas, Advocate sr.68127

+1cc to M/s.J.Madanagopal, Advocate sr.67836

W.P.Nos.30888 & 30889 of 2017

cp(co)
ss(27/10/2017)