

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.17624 of 2007

ORDER:

Heard Sri A.K. Jayaprakash Rao, learned counsel for the petitioners, learned Government Pleader for Labour for the 1st respondent and Sri M. Ratna Reddy for the unofficial respondents apart from perusing the material available before the Court.

The present writ petition challenges the order, dated 12.06.2007, passed by the Court of the Presiding Officer, Labour Court-1, A.P., Hyderabad, (for short, "the Labour Court") in I.A.No.122 of 2007 in I.D.No.8 of 2007. The industrial dispute raised under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short, "the Act") by the unofficial respondents herein through their Organizing Secretary, INTUC, was numbered as I.D.No.8 of 2007 on the file of the Labour Court. In the said I.D., the petitioners' organization therein filed an interlocutory application, being I.A.No.122 of 2007, praying the Labour Court to decide the maintainability of the said I.D. as a preliminary issue. The Labour Court by way of an order, dated 12.06.2007, dismissed the said application. This writ petition challenges the validity and legal sustainability of the order passed by the Labour Court in I.A.No.122 of 2007.

According to the learned counsel for the petitioners, the Labour Court grossly erred in dismissing the application

without assigning any reasons much less valid reasons. It is contended by the learned counsel that the Labour Court dismissed the application by placing reliance on the decision of the Bombay High Court in **ANZ Grindlays Bank vs. Grindlays Bank Employees Union**¹ and that the said judgment has absolutely no relevance to the facts of the present case. It is further submitted that the industrial dispute raised by the unofficial respondents herein through the Union under Section 2-A (2) of the Act is not maintainable.

On the contrary, it is submitted by the learned counsel for the unofficial respondents that there is no legality in the impugned order and the same is in accordance with the provisions of the Act and as such no interference of this Court is warranted under Article 226 of the Constitution of India.

The affidavit filed in support of I.A.No.122 of 2007 is placed on record. In the said affidavit, the petitioners stated that the industrial dispute filed under Section 2-A (2) of the Act cannot be termed as a dispute and that the respondents therein filed writ petitions before the High Court and withdrew the amounts and entered into an agreement under Section 18(1) of the Act. In the said affidavit the petitioners also stated that the Union has no right to file an application under Section 2-A(2) of the Act and that the Act would not authorize such procedure.

¹ 2001 (1) LLJ 1238 (Bombay)

A perusal of the order under challenge clearly shows that the Labour Court did neither advert to the objections taken in the affidavit filed in support of the application as regards the maintainability of the industrial dispute nor considered the same. The Labour Court also did not consider as to whether the judgment reported in **ANZ Grindlays Bank (supra)** has any application or not to the facts and circumstances of the case. In the considered opinion of this Court, the order impugned is completely devoid of any reasons much less valid reasons and on this short ground alone the matter is required to be remitted to the Labour Court for fresh consideration in accordance with law.

For the aforesaid reasons, the writ petition is allowed, setting aside the order, dated 12.06.2007, passed by the Labour Court in I.A.No.122 of 2007 in I.D.No.8 of 2007 and I.A.No.122 of 2007 stands restored to file for fresh consideration in accordance with law, after giving opportunity to all stakeholders, within a period of three months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, shall also stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 13.07.2017
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