

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31989 of 2017
and W.M.P.No.35150 of 2017

M/s.Indian Oil Petronas Private Ltd.,
NCTPS Main Road,
Athipattu Pudhu Nagar,
Chennai - 600 120.
Rep. by its Managing Director

... Petitioner

Vs.

1. The Union of India,
Ministry of Labour, Shram Shakti Bhawan,
1, Rafi Marg, New Delhi - 1.
2. The Secretary,
The Central Government Industrial
Tribunal-cum-Labour Court,
First Floor, B Wing, 26 Haddows Road,
Shastri Bhawan, Chennai - 600 066.
3. V.K.Enterprises,
Plot No.617, 'C' Block, Flat No.102,
Parimala Pride Apts., AECS Layout,
Kundalahalli, Bangalore - 560 037.
4. M/s.JKR Manpower Consultants,
No.520/398, 1st Floor,
Sri Moogambigai Complex,
M.T.H.Road, Ambattur, Chennai - 600 053.
5. M/s.Sulabh International Organisation,
NCTPS Main Road, Athipattu Pudhu Nagar,
Chennai - 600 120.
6. The General Secretary,
Thiruvallur Mavatta Amaippusara Podhu
Thozhilalar Sangam,
No.5, Church Road, TMP Nagar,
Padi, Ambattur, Chennai - 600 050.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, to call for the records in I.D.No.76 of 2017 dated 11.07.2017 and the reference No.L-30011/19/2017-IR(M) dated 28th June 2017 on the file of the 2nd respondent and to quash the same.

For Petitioner : Mr.C.Manohar Gupta

For Respondents : M/s.T.L.Thirumalaisamy
CGSC for R1
R2 - Court

O R D E R

This writ petition has been filed by the Management seeking issuance of writ of certiorari, to call for the records in connection with the order passed in Ref.No.L-30011/19/2017-IR(M) dated 28.06.2017 and to quash the same.

2. The order under Reference No.L-30011/19/2017-IR(M) dated 28.06.2017 has been passed exercising the power under Clause (d) of sub-section (1) and sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), under which the Central Government has referred the dispute for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Chennai.

3. When the matter came up for hearing, the learned counsel appearing for the petitioner as well as the learned counsel appearing for R1 appeared before this Court. In respect of respondents 3 to 6, though private notice has been served upon those respondents, but, however, there is no representation for them. As the issue involved in this writ petition is very limited, the matter is taken up for final disposal.

4. The learned counsel appearing for the petitioner submitted that the question that is referred to in the reference itself would show that the employer herein namely the writ petitioner is in no way connected with the dispute. Therefore, the Management ought not have been added as a party in I.D.No.76 of 2017.

5. A perusal of I.D.No.76 of 1997 would go to show that the Management of Indian Oil Petronas Private Limited, NCTPS Main Road, Athipattu Pudhu Nagar, Chennai - 600 120, has been shown as opposite party in I.D.No.76 of 2017. The term of reference is very relevant to decide the issue as to whether the management is a necessary party or not. The term of reference reads as under:

"Whether the demand of Union Tiruvalluvar Mavatta Amaippusara Podhu Thozhilalar Sangam Chennai raised against the Contractors M/s.V.K.Enterprises, M/s.JKR Manpower Consultants and M/s.Sulabh International Organisation of Indian Oil Corporation Limited is legal and justified?."

6. The question that is referred for adjudication would go to show that the writ petitioner herein is not at all referred to in the reference .No.L-30011/19/2017-IR(M), dated 28.06.2017. That being the case, the inclusion of the petitioner as party respondent in I.D.No.76 of 2017 is wholly unnecessary. There being no relief sought for against the petitioner, the petitioner is not a necessary party to the lis. Therefore, the contention of the petitioner, on the facts of the case, is just and reasonable.

7. In the result, the writ petition is allowed with a direction to the Labour Court to delete the petitioner herein as party respondent in I.D.No.76 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Union of India,
Ministry of Labour,
Shram Shakti Bhawan,
1, Rafi Marg, New Delhi - 1.
2. The Secretary,
The Central Government Industrial
Tribunal-cum-Labour Court,
First Floor, B Wing, 26 Haddows Road,
Shastri Bhawan, Chennai - 600 066.

+1cc to M/s.T.L.Thirumalaisamy, Advocate, S.R.No.64937
+1cc to Mr.Fox Mandal Associates, Advocate, S.R.No.64059

W.P.No.31989 of 2017

RK(CO)
CS/03/01/2019