

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6937 of 2016
and
WMP.No.6159 of 2016

The Commanding Officer,
INS Rajali,
Naval Air Base,
Camp - Post,
Arakkonam - 631 006.

... Petitioner

-vs-

1.M.Chokhubai

2.The Presiding Officer,
Central Government Industrial Tribunal-
cum-Labour Court,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the entire records in ID.No.60/2015 dated 31.12.2015 on the file of the Central Government Industrial Tribunal cum Labour Court, Chennai and quash the same as illegal and unsustainable.

For Petitioner :: Mr.V.P.Sengottuvel

For R1 :: Mr.V.Ajoykhose

For R2 :: Tribunal

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O R D E R

The award passed by the Central Government Industrial Tribunal cum Labour Court, Chennai dated 31.12.2015 in I.D.No.60/2015 is under challenge in this writ petition.

2.Even before entering into the merits of the issues, the learned counsel appearing on behalf of the writ petitioner made

a submission that the award is an ex-parte one and the writ petitioner had no opportunity to participate in the process of adjudication before the tribunal.

3.However, the learned counsel appearing on behalf of the first respondent, Workman submitted that the notice was properly served to the writ petitioner by the tribunal and in spite of that they had failed to appear and defend the case before the tribunal. Thus, no leniency should be shown.

4.The learned counsel appearing for the first respondent has made a submission that the Defence Ministry has failed to submit their opinion before the tribunal.

5.May that it be, the fact remains that the award is an ex-parte award. Documents were not filed to establish before the second respondent, Tribunal. Under these circumstances, this Court is of an opinion that adducing of evidence and considering the documents cannot be undertaken by this Court under Article 226 of the Constitution of India. The parties have to adduce evidence and file documents before the second respondent, Tribunal. Thus, it is a fit case for remittance. Accordingly, the award passed by the second respondent, Central Government Industrial Tribunal-cum-Labour Court, in I.D.No.60/2015 dated 31.12.2015 is quashed. The matter is remitted back to the second respondent, Central Government Industrial Tribunal-cum-Labour Court, Chennai, for re-opening and adjudicating the matter by providing opportunity to all the parties concerned and pass orders on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. Meanwhile, the writ petitioner is directed to deposit 50% of the compensation amount of Rs.1,00,000/- (Rupees One Lakh Only) before the second respondent, Central Government Industrial Tribunal-cum-Labour Court, Chennai in the account of I.D.No.60/2015. Such amount of Rs.1,00,000/- (Rupees One Lakh Only) is to be deposited by the writ petitioner is to be further deposited in an interest bearing fixed deposit in any one of the nationalised bank till the disposal of the I.D.No.60/2015.

6.Accordingly, the writ petition stands allowed. Consequently, the connected Miscellaneous Petition is closed. However, there is no order as to costs.

Sd/-

Deputy.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1.The Presiding Officer,
Central Government Industrial Tribunal-
cum-Labour Court,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

+1cc to Mr.V.P.Sengottuvel, Advocate, sr.no.25538

+1cc to Mr.V.Vijay Khose, Advocate, sr.no.25838

W.P.No.6937 of 2016

RRK(22/05/2018)



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