

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23-10-2019

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10015 of 2014

And M.P.No.1 of 2014

Florence Shoe Co. Pvt. Ltd.,
Represented by its Manager,
102, MC Road, Ambur,
Vellore-635 802.

.. Petitioner

vs.

1.The Presiding Officer,
Principal Labour Court (Vellore), Vellore.

2.B.Murali

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records on the file of the Principal Labour Court, Vellore in I.A.No.227 of 2013 in C.P.No.261 of 2013 dated 11.02.2014 and quash the same as illegal, irregular and without jurisdiction.

For Petitioner : Mr.V.Raghavachari
For Respondent-1 : Labour Court
For Respondent-2 : Mr.S.T.Varadarajulu

O R D E R

The order passed in the Interlocutory Application filed by the workman under Sections 36 and 36(3) of the Industrial Disputes Act, 1947, to prevent the respondent counsel to conduct the case since he is not a member in the Trade Union or Employees Association.

2. The writ petition is filed challenging the order dated 11.02.2014, rejecting the Interlocutory Application. The writ petitioner is Florence Shoe Co. Pvt. Limited and the second respondent-workman filed an Interlocutory Application to prevent the respondent counsel to conduct the case. A claim petition was filed in C.P.No.261 of 2013.

3.The writ petitioner-Management was represented through a counsel by Mr.M.C.Theerthagiri and Mr.K.Balaji. The contention of the second respondent-workman before the Labour Court was that the learned counsel for the respondent is not a

member of any employer association or employee association and he is a member of the Bar Council of Tamil Nadu. Thus, he is not entitled to represent the case on behalf of the respondent as there is a bar to represent on behalf of the writ petitioner-Management as per Sections 36 and 36(3) of the Industrial Disputes Act, 1947.

4. The issues were adjudicated by the Labour Court with reference to Sections 36 and 36(3) of the Industrial Disputes Act, 1947. Undoubtedly, the issue in this regard is now referred to the larger Bench of the Hon'ble Supreme Court of India in the case of Thyssen Krupp Industries India Private Limited vs. Suresh Maruti Chougule and Others [decided on 21.08.2019 in Civil Appeal No.6586 of 2019 - 2019 SCC Online SC 1343]. However, the Labour Court rightly considered the issue with reference to Sections 36 and 36(3) of the Industrial Disputes Act, 1947, by allowing the Interlocutory Application. There is no infirmity or perversity in respect of the order passed by the Labour Court in I.A.No.227 of 2013 in C.P.No.261 of 2013 dated 11.02.2014.

5. At this juncture, the learned counsel appearing on behalf of the workman made a submission that during the pendency of the writ petition, the claim petition filed in C.P.No.261 of 2013 itself was disposed of and therefore, the cause aroused for the purpose of filing the present writ petition did not exist as of now.

6. In view of the fact that the claim petition itself was already disposed of, no further adjudication needs to be entertained in respect of the grounds raised in the present writ petition. Accordingly, the writ petition stands disposed of as infructuous. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,
Principal Labour Court (Vellore), Vellore.

+1 cc to M/s.V.Raghavachari, Advocate Sr.No. 88958

AKM/22.11.19/2P-3C /

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