



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24194 of 2019

Podhu Thozhilalar Sangam(Regn.No.504/CPT)  
Rep.by its General Secretary, Mr.S.Kannan,  
No.77, 2bd floor, AJ Complex,  
Sriperumbudur-602 105.  
Kanchipuram District.

...Petitioner

vs.

1. State of Tamil Nadu,  
Rep.by the Secretary  
Labour and Employment Department,  
Secretariat, Chennai-600 009.

2. The Management of  
Myound Shin India Automotive Pvt. Ltd.,  
Rep.by its Managing Director, Mr.Yond Soo shin  
No.496/2, Mannur Village, Valarpuram Post,  
Sriperumbudur Taluk,  
Kanchipuram District.

3. The Presiding Officer,  
Industrial Tribunal, Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 3<sup>rd</sup> respondent to adjudicate the dispute pending in I.D.No.29 of 2018 and submit its award on such dispute to the 1<sup>st</sup> respondent within a time frame fixed by this Court.

For Petitioner : Mr.K.C.Karl Marx

For Respondents : Mr.J.Ramesh

Additional Government Pleader for R1.

Mr.D.Prabhu for R2

R3-Tribunal

ORDER

The relief sought for in the present writ petition is for a direction to the 3<sup>rd</sup> respondent to adjudicate the dispute pending in I.D.No.29 of 2018 and submit its award on such dispute to the 1<sup>st</sup> respondent within a time frame.



2. The relief sought for though appears to be simple practical difficulties and the functioning of the Industrial Tribunal in Chennai are to be considered by this Court. This Court cannot pass an order directing the Industrial Tribunal to decide the case within a time frame, as the adjudication involves trial and such trial may take some time. In the event of issuing any such direction, it may not be possible for the Industrial Tribunal to decide all such cases. Such an order may affect the smooth functioning of the Industrial Tribunal, which are all already over burdened and have huge pendencies. Preference could be given only if the petitioner is able to demonstrate that in the absence of providing speedy relief, he would be subjected to great loss including monetary loss or otherwise. It is not as if the High Court can issue a direction to the Industrial Tribunal to dispose of the case within a time frame, whenever a party files a writ petition. Thus, even for issuing such a direction, the High Court must be convinced that there is a just cause warranting issuance of any such direction. Thus, the High Court cannot issue such a direction in a routine and mechanical manner.

3. In normal circumstances, the Industrial Tribunal/Labour Courts have to hear the cases as expeditiously as possible and dispose of the same. However, huge pendency of the industrial disputes/petitions before the Industrial Tribunal/Labour Court are to be considered by the High Court, while issuing such directions to dispose these petitions within a time frame. It may not be practically possible for the Industrial Tribunal/Labour Court to comply with all such directions. Ultimately, the Presiding Officers of the Industrial Tribunal/Labour Court are frequently writing letters to the High Court seeking an extension of time and the High Court is also granting an extension in a routine manner, without considering the practical difficulties, including the number of witnesses to be examined, the co-operation of the litigants concerned, huge pendency of the cases etc. Thus, the High Court is bound to consider all these aspects, as such frequent directions may cause pressure on the Presiding Officers which may result in denial of justice. Thus, in all such circumstances, while issuing such a direction for speedy disposal of the case by the Industrial Tribunal/Labour Court in a writ petition, the High Court must be cautious. It is brought to the notice of this Court that only one Industrial Tribunal/Labour Court is functioning in Chennai and one Presiding Officer is dealing with huge number of cases. Large number of disputed cases are pending and trial in many cases are in progress. In the event of issuing such directions frequently, without ascertaining the genuine urgency of the litigants, the routine work of this Tribunal will



get affected and the Presiding Officers may not be in a position to deal with the cases in an appropriate manner cogently.

4. Mere issuance of direction for speedy disposal would not serve any purpose. If such a direction is given in many number of writ petitions, undoubtedly, the practice of filing writ petitions seeking similar relief will be increased. Then, it may not be possible for the Industrial Tribunal/Labour Court to comply with the orders of the High Court. Thus, the High Court must find out the genuinity of urgency and accordingly, deal with the matter for the purpose of issuing a direction for speedy disposal of the case before the Industrial Tribunal. This apart, grant of any preference to one litigant is undoubtedly, not preferable. Out of turn hearing is possible only in the event of establishing some urgency or genuinity. Thus, the mechanical directions to dispose of the disputes would not be preferable.

5. The learned Additional Government Pleader may not have any objection in issuing such a direction and in this case, he conceded the request of the writ petitioner. However, this Court has to consider the merits as well as genuine urgency involved in respect of the issues raised between the parties to the dispute.

6. Undoubtedly, many litigants are suffering on account of long pendency of the litigations. In the present case, the reference was made in G.O.(D).No.539 of 2019 dated 12.09.2018. Large number of disputes are pending before the Industrial Tribunal. Those cases are also to be considered on preference basis for earlier disposal. Thus, the Industrial Tribunal has to regulate its own proceedings so as to ensure more number of cases are decided in a speedy manner enabling the litigants to get their grievances redressed at the earliest possible. Thus, regulating the proceedings by the Tribunal is of the paramount importance. Contrarily, High Court cannot issue any such direction in a routine manner in all such writ petitions filed by the litigants.

7. In view of the discussions made in the aforementioned paragraphs, this Court is not inclined to grant relief as such sought for in the present writ petition. However, the third respondent/Industrial Tribunal is requested to regulate their hearing proceedings and utilize judicial hours to the maximum possible for earlier disposal of the cases, with reference to urgency involved in some cases particularly and accordingly, proceed with the cases.



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8. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary  
State of Tamil Nadu,  
Labour and Employment Department,  
Secretariat, Chennai-600 009.
2. The Presiding Officer,  
Industrial Tribunal,  
Chennai.

+1 cc to M/s.K.C.Karl Marx,Advocate Sr.No.90034  
+1 cc to The Government Pleader Sr.No. 90419

AKM/10.01.2020/4P-5C /

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