

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.25825 of 2019
and
W.M.P.No.25268 of 2019

The Management,
KKR Metal Components,
355 & 368, SIDCO Industrial Estate,
Ambattur, Chennai-600 098. .. Petitioner

-vs-

Mrs.S.Mohana .. Respondent

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus or such other
appropriate Writ transferring the cases in C.P.Nos.161 and 139
of 2018 on the file of the I Additional Labour Court, Chennai,
to that of II Additional Labour Court, Chennai.

For Petitioner : Mr.D.Abdullah
For Respondent : Mr.G.Mutharasu

ORDER

The relief sought for in the present writ petition is to
transfer the cases in C.P.Nos.161 & 139 of 2018 on the file of
the I Additional Labour Court, Chennai to the II Additional
Labour Court, Chennai.

2.The learned counsel appearing on behalf of the writ
petitioner Management made a submission that the writ petitioner
company is engaged in the manufacture of automobile components
as per the customer orders. The automobile components are
supplied to original equipment manufacturers, who use the items
in their final products and supply the said part to the
automobile manufacturers.

3.The grievance of the writ petitioner is that seven claim
petitions are pending and the I Additional Labour Court,
Chennai, is proceeding with the other cases and the II
Additional Labour Court, Chennai, is also dealing with some of

the cases which are all similar in nature. Under these circumstances, the writ petitioner Management made a submission that all these cases, now pending before the I Additional Labour Court, may be transferred to the II Additional Labour Court.

4.The learned counsel appearing on behalf of the respondent disputed the said contention by stating that undoubtedly there are certain similarities in the claim petitions. However, the I Additional Labour Court had already proceeded with some of the cases and the cases are posted for examination of witnesses. However, the cases before the II Additional Labour Court are not taken up for more than one year, in view of the fact that the petitioner has filed interlocutory applications regarding the maintainability of the claim petitions and the said interlocutory applications are kept pending for more than one year.

5.This Court is of an opinion that the interlocutory applications filed regarding the maintainability of the claim petitions are to be decided at the first instance. This apart, such interlocutory applications cannot be kept pending for many number of years, which would cause prejudice to the interest of the parties. The preliminary objection regarding the maintainability is to be decided without causing any undue delay. Thus, the Labour Court has to decide the interlocutory applications filed regarding the maintainability of all the claim petitions as expeditiously as possible.

6.In view of the fact that other connected matters are now proceeded with by the I Additional Labour Court, all the cases shall be transferred to the I Additional Labour Court for adjudication and for passing orders by affording opportunity to all the parties concerned and in an expeditious manner.

7.This Court is of a considered opinion that the grievances in this regard, more specifically, in claim petitions are to be adjudicated at the earliest possible. It is brought to the notice of this Court that the interlocutory applications filed regarding the maintainability of the claim petitions are kept pending for more than one year. Such unnecessary delays are all to be averted. This apart, the parties to the proceedings should cooperate for the early disposal of the cases. Unnecessary adjournments should never be granted and even on certain genuine circumstances, if adjournments are sought, then the Courts are bound to record reasons for such adjournments. Therefore, the Labour Court should not grant unnecessary adjournments without any valid reasons. The parties are also obligated to proceed with the cases without seeking unnecessary adjournments.

8.The above being the principles to be followed, this Court is inclined to transfer all the cases to the I Additional Labour Court, Chennai, and the I Additional Labour Court is requested to take up the cases for adjudication and dispose of the same as expeditiously as possible.

9.It is further contended that three cases are now pending before the III Additional Labour Court also. Thus, in the interest of parties and to avoid conflicting decisions from various Courts, all the cases pending before the II Additional Labour Court as well as before the III Additional Labour Court are transferred to the I Additional Labour Court, Chennai for adjudication. The details of the cases pending before the II Additional Labour Court and the III Additional Labour Court are as follows:-

Sl. No.	Name	Case No.	Court	Period of Claim
1	M.Meerabai	C.P.No.167 of 2018	II Addl. Labour Court	04/2010 to 12/2017
2	D.Nirmala	C.P.No.168 of 2018	II Addl. Labour Court	04/2010 to 12/2017
3	L.Barathi	C.P.No.169 of 2018	II Addl. Labour Court	04/2012 to 04/2017
4	Navakumar	C.P.No.210 of 2018	II Addl. Labour Court	09/2014 to 12/2017
5	K.Senthil Kumar	C.P.No.6 of 2019	III Addl. Labour Court	2010 to 2017
6	Murugan	C.P.No.5 of 2019	III Addl. Labour Court	2010 to 2017
7	Navakumar	C.P.No.202 of 2018	III Addl. Labour Court	2015-2017

10.Accordingly, the writ petition stands disposed of and the seven claim petitions, stated above, are transferred to the I Additional Labour Court, Chennai for adjudication. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CJ Conf)

// True Copy//

Sub Assistant Registrar

abr

To

1.The I Additional Labour Court,
Chennai.

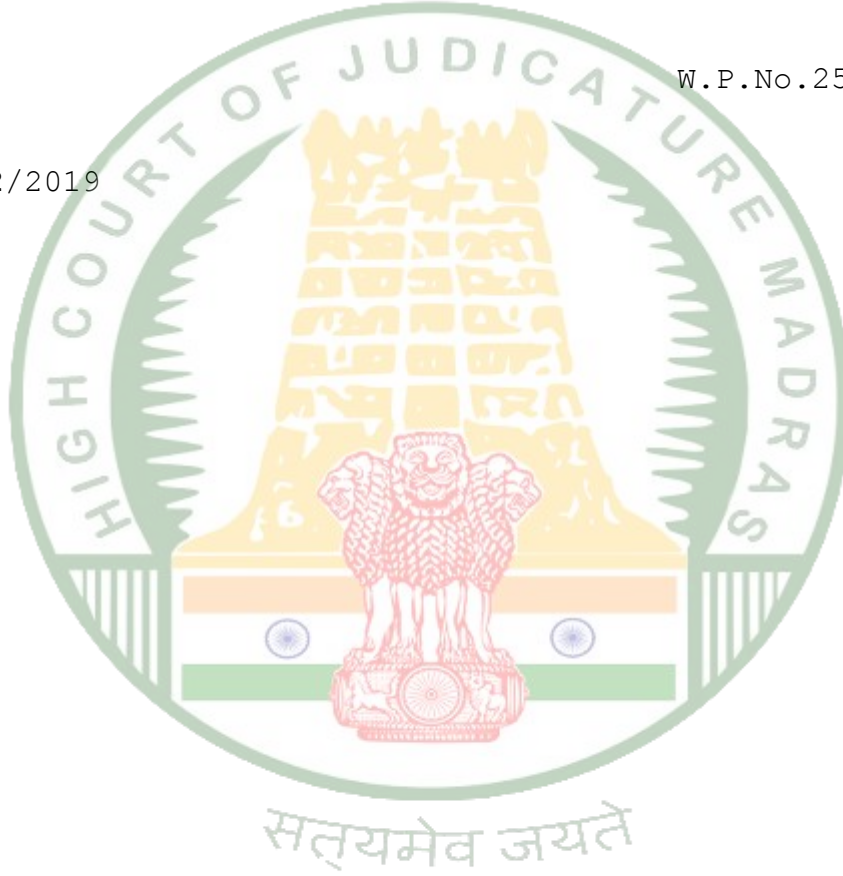
2.The II Additional Labour Court,
Chennai.

+lcc to Mr.G.Pugazuendan, Advocate, SR.No.95043.

+lcc to Mr.D.Abdullah, Advocate, SR.No.94972.

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SR(CO)
CSR: 17/12/2019



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