

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI  
AND  
THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P.No.28694 of 2018

All India Bank Employees' Association  
(Regn. No.2037), (AIBEA),  
Rep. by its General Secretary,  
Central Office : "Prabhat Nivas",  
Singapore Plaza,  
164, Linghi Chetty Street,  
Chennai - 600 001.

... Petitioner

.. Vs ..

1. Union of India,  
Rep. by its Secretary,  
Ministry of Labour & Employment,  
New Delhi - 110 001.
2. The Secretary to Government,  
Ministry of Law,  
Union of India,  
New Delhi - 110 001.
3. The Chief Labour Commissioner (Central),  
Ministry of Labour,  
Shram Mantralaya,  
New Delhi - 110 001.
4. Deputy Chief Labour Commissioner (Central),  
Sasthri Bhavan, Haddows Road,  
Chennai - 600 006.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 to 3 herein to fill up the vacancy of the Presiding Officer of the Central Government Industrial Tribunal cum Labour Court, Chennai and the Regional Labour Commissioner (Central), Chennai and Madurai forthwith.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.Dr.G.Babu,  
Central Government Standing Counsel  
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ORDER

(Delivered by DR.VINEET KOTHARI,J.)

The petitioner All India Bank Employees' Association, Chennai has filed this Public Interest Litigation writ petition before this Court on 08.10.2018 with a mandamus direction to respondents 1 to 3 namely, Union of India, Secretary to Government and Chief Labour Commissioner (Central), to fill up the vacancy of the Presiding Officer of the Central Government Industrial Tribunal cum Labour Court, Chennai and the Regional Labour Commissioners (Central), Chennai and Madurai.

2. During the pendency of this writ petition, on 09.11.2018, the respondents have already appointed the Presiding Officer of the Central Government Industrial Tribunal cum Labour Court, Chennai and therefore, the first part of the prayer made in the present writ petition is rendered infructuous.

3. As far as the other prayer for the appointment of the Regional Labour Commissioners (Central), Chennai and Madurai is concerned, the respondents have filed a counter affidavit in this Court today, with the affidavit of Mr.V.Muthu Manickam, Deputy Chief Labour Commissioner (Central), Chennai. In para 8 of the said counter affidavit, it is stated that the meeting of the Departmental Promotion Committee (DPC) was convened in the month of August, 2018 to consider the case of promotion for the post of Assistant Labour Commissioner (Central), which is the feeder post for Regional Labour Commissioners (Central). Those proceedings of DPC were set aside by the Principal Bench of the Central Administration Tribunal, New Delhi, vide its order dated 18.09.2018 and against that order of Central Administrative Tribunal, the matter has been taken to Honourble Delhi High Court, where, it is said to be pending as of now.

4. Para 8 of the said counter affidavit of respondent No.4, Deputy Chief Labour Commissioner (Central) is extracted hereunder:

"8. It is further submitted that, in order to fill up these vacancies, a meeting of the departmental Promotion committee (DPC) was convened in August, 2018 wherein 56 officers had been recommended for promotion. However, before recommendation of these

officers could be acted upon, the Hon'ble CAT, PB, New Delhi vide its order dated 18.09.2018 has set aside the selection made in pursuant of the Advertisement No. 51 of 2013 to the post of Assistant Labour Commissioner (Central) and equivalent with direction to UPSE to redo the exercise by restricting the marks to be allocated for the interview to 15%, without insisting of minimum marks therein and then to publish result and observing that if any of the private respondents need to be displaced on the account of such exercise, the possibility of adjusting him against the existing or subsequent vacancies may be considered, by addressing the department concerned. Since some of these affected officers are included in the list cleared by the DPC for Promotion to STS grade, the process of promotion and posting of the recommended candidates by the DPC has been kept on hold. The UPSC, which is the main respondent in this case, has already challenged the aforesaid order of CAT before Hon'ble High Court of Delhi and moved a stay application."

5. In view of the aforesaid situation, no further directions can be issued by this Court to respondents 1 to 3 to appoint the Regional Labour Commissioners (Central) as the matter regarding promotion from the feeder cadre of Assistant Labour Commissioner (Central) is now subjudice before the Delhi High Court against the order passed by the Central Administrative Tribunal. Therefore, we close this present PIL writ petition without any further directions. No costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Jrl/Dua

To

1. The Secretary,  
Union of India,  
Ministry of Labour & Employment,  
New Delhi - 110 001.
2. The Secretary to Government,  
Ministry of Law,  
Union of India,  
New Delhi - 110 001.

3. The Chief Labour Commissioner (Central),  
Ministry of Labour,  
Shram Mantralaya,  
New Delhi - 110 001.
4. Deputy Chief Labour Commissioner (Central),  
Sasthri Bhavan, Haddows Road,  
Chennai - 600 006.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.4998  
+2cc to Mr.Dr.G.Babu, Advocate, S.R.No.4796

W.P.No.28694 of 2018

SJ(Co)  
CS/04/03/2019