

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

W.P.No.12334 of 2004 and W.P.M.P.No.14413 of 2004

Tamil Nadu Minerals Ltd
rep.by its Chairman
31, Kamarajar Salai, Chempauk
Chennai 600 005.

... Petitioner

-Vs-

1.The Presiding Officer
Industrial Tribunal-cum-Labour Court
Sastri Bhawan, Haddows Road
Chennai 600 006.

2.V.Perumal.
3.V.Ramasami
4.K.Loganathan
5.S.Shanmugam
6.V.Raju
7.V.Karuppan
8.R.Natarajan
9.L.Azhagappan
11.L.Manickam
12.A.Ramasamy
13.L.Periasamy
13.P.Krishnan
14.R.Rajamanickam
15.R.Ramasamy
16.K.M.Thangaraj
17.P.Kasi
18.K.Kandan
19.C.Kullan

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari calling for the records of the 1st respondent pertaining to the order dated 12.03.2004 in I.A.No.20/2004 in I.D.Nos.512 to 524/2001, 530/2001 & 536 to 539 of 2001 and quash the same.

For Petitioner : M/s.R.Arunmozhi

For Respondents : Mr.V.Ajoy Khose - for R1 to R14
and R16 to R19

O R D E R

This writ petition has been filed against the order passed in I.A.No.20 of 2004 in I.D.Nos.512 to 524/2001, 530/2001 & 536 to 539 of 2001 on the file of the first respondent.

2. The respondents 2 to 19 were the employees of the petitioner viz., Tamil Nadu Minerals Limited and they seem to have been retrenched / terminated from service, against which they raised industrial disputes in the aforesaid I.Ds., before the first respondent, Industrial Tribunal-cum-Labour Court, Chennai.

3. In the said industrial disputes, on behalf of the employees, the aforesaid I.A.No.20 of 2004 was filed seeking for joint trial of all these industrial disputes. The reason for such a claim of joint trial on behalf of the employees was that, the issue raised in all these industrial disputes was one and the same and the issue is as to whether the retrenchment / termination of services of these employees from the petitioner organization is justifiable or not and that has to be decided based on the evidence to be let in by both sides. Thereby, by invoking the provisions of Section 11 of the Industrial Disputes Act read with Rule 15 of the Industrial Disputes (Central) Rules, the employees seem to have sought for the indulgence of the Industrial Tribunal to have a joint trial.

3. The said move on the part of the employees has been opposed by the petitioner Management on the ground that, each case is different on the facts and merits and hence they have to be decided on the basis of the evidence to be let in by filing documentary proof in each and every case and then only the Tribunal will be able to decide the issue.

4. However, the said objection raised on behalf of the Management was not appealing to the Industrial Tribunal, where they have rejected the same and accordingly allowed the said industrial dispute filed by the employees for having a joint trial. As against the said order passed by the first respondent Industrial Tribunal, the petitioner Management filed this writ petition with the aforesaid prayer.

5. Heard Mr.Arunmozhi, learned counsel for the petitioner Management and Mr.Ajoy Khose, learned counsel for the respondents / employees.

6. As has been rightly pointed out by the learned counsel for the employees, the Industrial Tribunal, by invoking the powers under Section 11 of the Act read with Rule 15 of the

Industrial Disputes (Central) Rules, has gone into the aspect of the issue raised in all those industrial disputes and accordingly gave its finding, which are available at Paragraphs 7 and 8 of the impugned order and the same can be usefully quoted hereunder.

"7. But, on the side of the respondents, it is argued that there is no privity of contract between the respondent and the petitioner and there is no employer-employee relationship. Under such circumstances, they have got different facts and merits of each case against the petitioners and respondent have to let in evidence and documentary proof in each and every case separately, then only the Tribunal can appreciate the case of the parties. Under such circumstances, it cannot be said that these cases can be tried jointly and a common award can be passed.

8. But, I find the contention of the counsel for the respondent is not valid because in these cases, the issue involved is whether the termination of chiselmens namely petitioner in all these disputes is just and legal and it is also admitted that all the petitioners were working as chiselmens and whether they were independent contractors or employees of the II Party / Management is to be decided in this case. Under such circumstances, I find this Tribunal has got every power to order a joint trial in these disputes. As such, this point is answered in affirmative."

7. Accordingly, the Tribunal has come to the conclusion that, all these I.Ds., can be tried jointly and there can be no impediment for the Tribunal to have a joint trial of all these cases. Assuming that the evidence have to be let in on behalf of both the employees as well as Management, they can very well let in evidence in respect of each of the I.D., and there can be no restriction to that effect from letting evidence on behalf of the management also and if at all any difficulty in letting evidence on the part of the employees because of the joint trial, it is for the employees to take a chance as they only have come forward to seek joint trial of the industrial disputes. Thus the said reason cited by the petitioner management for opposing the joint trial of all these I.Ds., in the said I.A., in the considered opinion of this Court, cannot be countenanced and therefore, the decision taken by the Industrial Tribunal in the order impugned in allowing the said I.A., to have a joint trial, can be accepted and therefore, this Court finds no merit in the said contention made by the petitioner Management to assail the impugned order passed by the Industrial Tribunal.

8. In view of the above, this Court feels that, the impugned order is to be sustained as no plausible reason is available to interfere with the same. Accordingly, this writ petition fails and hence it is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

9. Since the industrial disputes are pending before the first respondent for several years, the first respondent Industrial Tribunal shall make endeavour to complete the trial of all these industrial disputes as early as possible, preferably within a period of nine months from the date of receipt of a copy of this order.

10. In view of the dismissal of this writ petition, if any records are called for from the first respondent Industrial Tribunal, the same shall be sent back by the Registry immediately along with a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

The Presiding Officer
Industrial Tribunal-cum-Labour Court
Sastri Bhawan, Haddows Road
Chennai 600 006.

Copy to :

The Section Officer, (Writ Records)
ER Section, High Court, Madras.

W.P.No.12334 of 2004

SRA (CO)
RMP (07/12/2020)

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