

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.30947 of 2019

and

W.M.P.Nos.31038 & 32356 of 2019

TTK Healthcare Limited
(Protective devices Division)
Formerly known as
TTK Protective Devices Limited,
TTN Complex, No.12, K.P.Natham road,
Thiruvadarkoil, Puducherry - 605 102.
Rep. by its Managing Director. Petitioner

vs

1. United Labour Federation,
149, 4th Floor, C.J. Complex,
Thambu Chetty Street,
Chennai - 600 001.
rep. by its Secretary.
2. INTUC TTK Healthcare Employees Union,
No.1, Pilayar Kovil Stret,
Thirubuvanai Palayam,
Puducherry
Rep. by its President Mohan
3. M/s.Packwell Packaging Products Ltd.
TTN Complex, No.12, K.P.Natham road,
Thiruvadarkoil, Puducherry - 605 102
Rep. by its Managing Director. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records and quash the order dated 01.10.2019 in I.A.No.41 of 2019 in I.D.(T).No.13 of 2014 on the file of the Industrial Tribunal, Puducherry and consequently, direct the Industrial Tribunal, Puducherry to take the Joint Memorandum dated 08.08.2019 filed by the petitioner and the 1st respondent on file and pass an award interms of the settlement dated 27.07.2019.

For Petitioner : Mr.S.Ravi
<https://hcservices.ecourts.gov.in/hcservices/> for M/s.Gupta and Ravi

For Respondents: Mrs.M.Karthikeyani for R1
Mr.R.Veeramani for R2
Mr.Sai Prasad for
M/s. Sai Raaj Association for R3

O R D E R

This writ petition is filed by the Management challenging the order passed by the Industrial Tribunal, Puducherry, in I.A.No.41/2019 in I.D.(T).No.13/2014 dated 01.10.2019, impleading the 2nd respondent herein as the 2nd petitioner in the said I.D. 2. Heard Mr.Ravi, learned counsel appearing for the petitioner, Mrs.M.Karthikeyani, learned counsel appearing for the 1st respondent, Mr.R.Veeramani, learned counsel appearing for the 2nd respondent and Mr.Sai Prasad, learned counsel appearing for the 3rd respondent.

3. It is seen that the 1st respondent herein filed I.D.No.13/2014 before the Labour Court, pursuant to a reference made by the Government of Puducherry, dated 13.08.2014 to adjudicate the following issues.

a) Whether the dispute raised by the union workmen affiliated with the United Labour Federation over charter of Demands and wage revision against the management of M/s. TTK protective, devices Ltd., and the management of Packwell packaging products Ltd., is justified. If justified, what relief they are entitled to?

b) To compute the relief, if any awarded in terms of money, if it can be so computed?

4. It is further seen that during the pendency of I.D., a settlement has been arrived between the 1st respondent Union and the petitioner Management. Based on the said settlement, the petitioner Management filed an application before the Labour Court for taking the joint memorandum dated 08.08.2019 entered between the petitioner and the 1st respondent and pass an award in terms of such settlement deed dated 27.07.2019. However, the fact remains that in the meantime, the 1st respondent union got split and the split group formed the 2nd respondent union. In effect, the members of the 2nd respondent union, who were originally the members of the 1st respondent union, are not agreeable for the settlement arrived between the Management and the 1st respondent and therefore, they want to contest and continue the I.D. filed by the 1st respondent. Hence, they filed an application for impleading themselves as 2nd petitioner in the said I.D. The Labour Court, after considering the facts and circumstances, allowed the application and permitted the 2nd respondent herein to be impleaded as the 2nd petitioner in the said I.D.

5. Mr. Ravi, learned counsel for the petitioner submitted that there is no scope for impleading a party as the 2nd petitioner in the I.D. and on the other hand, the 2nd respondent herein can at the best, be impleaded as a respondent in the said I.D. He also submitted that under the guise of getting themselves impleaded as 2nd petitioner, the 2nd respondent herein is trying to enlarge the scope of reference made in the said I.D. before the Industrial Tribunal.

6. Learned counsel for the petitioner relied on AIR 1964 SC 1746 (Hochtief Gammon vs. Industrial Tribunal, Bhuvaneshwar, Orissa & others) to contend that the scope of reference cannot be enlarged either by the Tribunal or by the parties to the same.

7. Learned counsel for the 2nd respondent, on the other hand, contended that since the 1st respondent Union got split and the members of the split group formed the 2nd respondent union separately, in order to protect their right, they are entitled to be impleaded as a party 2nd petitioner in the said I.D. He also submitted that the impleaded 2nd petitioner/2nd respondent herein will confine their case before the Labour Court only with regard to the reference already made and not beyond the scope of such reference.

8. Upon hearing both sides and considering the facts and circumstances of the present case, this Court is of the view that nothing wrong in impleading the 2nd respondent herein as a party 2nd petitioner in the I.D. Admittedly, the Union, which filed the said I.D. got split and the 2nd respondent herein became the split group. Therefore, in all fairness, the said I.D. originally filed by the 1st respondent, who admittedly entered into agreement with the Management during the pendency of the I.D., is to be permitted to proceed further at the instance of the 2nd petitioner, whose members were previously members of the 1st respondent union. Thus, in fact, the I.D. was filed on behalf of them as well. So it is not going to prejudice any one if they are permitted to pursue the I.D. by impleading them as 2nd petitioner. At the same time, this Court, at this stage is not expressing any view on the merits of the settlement arrived at between the 1st respondent and the management and the binding nature of the impleaded 2nd petitioner, as it is for the Labour Court to consider and pass appropriate orders on merits and in accordance with law. If the Labour Court passes an order on the settlement arrived between the petitioner and the 1st respondent Management, needless to say that consequence of such order will follow and have a bearing on the I.D. which is pending, based on the reference already made. Therefore, simply, by impleading the 2nd respondent as party 2nd petitioner before the Labour Court, it is not going to affect the interest of the Management in any manner. Accordingly, I find no reason to interfere with the order of the Labour Court.

9. The writ petitioner prayed for consequential relief for taking up their memo dated 08.08.2019 for passing an award in terms of Settlement dated 27.07.2019. Needless to say that

the Labour Court will consider such memo at the appropriate time and pass orders on the same on merits and in accordance with law, after hearing all the parties concerned.

10. Learned counsel for the 3rd respondent submitted that insofar as the 3rd respondent is concerned, he has no role to play in the present matter. This Court is not expressing any view on the claim made by the 3rd respondent as it is for them to express all these points before the Labour Court.

11. Accordingly, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsi
To

1. The Secretary,
United Labour Federation,
149, 4th Floor, C.J. Complex,
Thambu Chetty Street,
Chennai - 600 001.

+1cc to M/s.Karthigeyani, Advocate SR.No.12508
+1cc to Mr.R.Veeramani, Advocate SR.No. 10726
+1cc to Mr.Gupta and Ravi, Advocate SR.No. 10707

W.P.No.30947 of 2019

A.SK(28/02/2020)

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