



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7914 of 2006

T.Subramaniyan

....Petitioner

Vs.

1. The Government of India  
Rep by its Secretary,  
Ministry of Labour,  
New Delhi.

2. The Assistant General Manager,  
Indian Bank, Circle Office,  
Jennie Plaza, 5-F, Bharathiyar Salai,  
Contonment, Trichy -1.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ or Certiorarified Mandamus, calling for the order No. L.12012/103/2005-IR(B-II) dated 11.11.2005, passed by the 1<sup>st</sup> respondent and quash the same and consequently, direct the 1<sup>st</sup> respondent to refer the industrial dispute relating to non-employment of petitioner for adjudication by a competent Labour Court/Tribunal.

For Petitioner : Mr.V. Ajay Khose

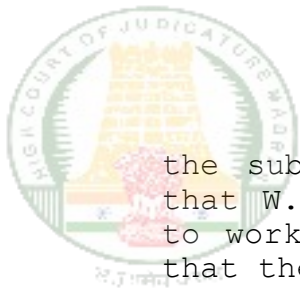
For R1 : Mr.K.Subbu Ranga Bharathi

For R2 : Mrs.Rita Chandrasekar  
for M/s.Ayar & Dolia

O R D E R

This Writ Petition has been filed, seeking to quash the order No.L.12012/103/2005-IR(B-II) dated 11.11.2005, passed by the 1<sup>st</sup> Respondent to refer the industrial dispute, relating to non-employment of Petitioner for adjudication by a competent Labour Court/Tribunal.

2. When the matter is taken up for hearing, it is represented by the learned counsel for the Petitioner that the Government has declined to refer the dispute, on the ground that the award passed by the Labour Court in I.D.No.556 oof 2001 was



the subject matter of the Writ Petition. It is further stated that W.P.No.32994 of 2002 was disposed of directing the parties to work out the remedy before the appropriate Labour Forum and that the matter pending in I.D.No.20 of 2017.

WEB COPY

3. Heard both sides and perused the materials available on record.

4. The Government have no power to decide the lis between the parties to the dispute. The Government has to refer to the dispute for adjudication and cannot reserve the adjudicatory role. I am of the view that the Government in declining to refer the dispute is bad in the eye of the law. In the light of the Judgment of the Hon'ble Apex Court in the case of M/s. Avon Services production Agencies (P) Ltd., Vs. Industrial Tribunal, Haryana and others, reported in (1979) 1 SCC 1, even there are no fresh materials, the Government has to refer the dispute of adjudication even when the dispute is raised again on the same issue without additional materials. Hence the Writ Petition is disposed of with the direction to the Government to refer the dispute for adjudication within the period of two months from the date of the receipt to the order to the Central Government Industrial Tribunal, Madras and the said Tribunal is expected to decide the issue within the period of six months from the date of receipt of the reference as more than 15 years have gone by from the date of declining to refer the dispute for adjudication. No Costs.

Sd/-

Assistant Registrar(CS-VI)

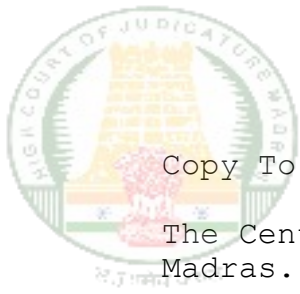
//True Copy//

Sub Assistant Registrar

shk/vm

To

1. The Secretary,  
Government of India  
Ministry of Labour,  
New Delhi.
2. The Assistant General Manager,  
Indian Bank, Circle Office,  
Jennie Plaza, 5-F,  
Bharathiyar Salai,  
Contonment, Trichy - 1.



Copy To

The Central Government Industrial Tribunal,  
Madras.

WEB COPY

+1cc to M/s.V.Ajoy Khose, Advocate, S.R.No.37165

+1cc to M/s.K.Subbu Ranga Bharathi, Advocate, S.R.No.37218

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.37295

W.P.No.7914 of 2006

RP (CO)  
RGA (17/11/2021)