



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.7083 of 2015

and

M.P.No.1 of 2015

L G Balakrishnan & Bros Limited,
Annur Plant, Ganesapuram,
Kattampatti (PO),
Coimbatore - 641 107,
Rep. by its Deputy Managing Director
P.Prabakaran.

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by the Principal Secretary,
Labour & Employment (D1) Department,
Fort St. George, Chennai - 600 009.
2. The General Secretary,
Coimbatore District General Engineering
& Mechanical Workers Union (CITU),
T Balanpalayam, 161, Ganapathy Pudur,
3rd Street, Ganapathy PO,
Coimbatore - 641 006.
3. The Presiding Officer,
Labour Court, Coimbatore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in G.O.Ms.No.444, dated 20.08.2013 and quash the same.

For Petitioner : Mr.Haroon
for M/s.T.S.Gopalan and Co.

For R2 : Mr.V.Ajay Khose

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



2. The order of reference made by the Government to the Labour Court on two issues has been put under challenge in the present writ petition.

WEB COPY

3. The scope of interference to such a reference made under Section 10(1)(c) and 10(1)(d) is very limited. The grounds raised in the present writ petition touches upon the merits of the case, pursuant to which the reference is made. Such consideration of the merits is impermissible, since the petitioner is always at liberty to raise such grounds before the Labour Court as a defense.

4. At this juncture, both the learned counsel would bring to the notice of this Court that pursuant to the impugned reference, the trial has commenced before the Labour Court, Coimbatore.

5. At this belated stage, it would not be appropriate to interfere with the reference made, which is the foundation for the entire proceedings and which is now at the trial stage. However, if both the parties are granted liberty to raise all these grounds touching upon the merits of the case, before the Labour Court, the ends of justice could be secured.

6. This Court has consciously refrained from addressing any of the grounds raised in the present writ petition, since it may have a bearing in the proceedings before the Labour Court.

7. In the light of the above observations, the writ petition stands disposed of, with liberty to both the parties to raise all the grounds before the Labour Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk
To

1. The Principal Secretary,
Government of Tamil Nadu,
Labour & Employment (D1) Department,
Fort St. George, Chennai - 600 009.



2. The General Secretary,
Coimbatore District General Engineering
& Mechanical Workers Union (CITU),
T Balanpalayam, 161, Ganapathy Pudur,
3rd Street, Ganapathy PO,
Coimbatore - 641 006.

3. The Presiding Officer,
Labour Court, Coimbatore.

+1 CC to M/s.T.S.Gopalan & Co., Advocate, Sr.No. 41328.

+1 CC to M/s.V.Ajoy Khose, Advocate, Sr.No. 41245.

W.P.No.7083 of 2015
and
M.P.No.1 of 2015

KSM(CO)
LS(06/09/2021)