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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1283 of 2019

The Management of Severn Glocon India Pvt.Ltd.,
rep by its Managing Director
F-96 and 97, Sipcot Industrial Park
Irungatukottai, Chennai 602 117

..Appellant

-vs-

1. M/s United Labour Federation-Reg.No.2657/CNI
rep by its Secretary
No.149, Thambu Chetty Street
C.J Complex, 4th Floor, Chennai 600 001

2. The Joint Commissioner of Labour
Certifying Officer under Industrial Employment
(Standing Orders) Act
6th Floor, D.M.S.Compound
Teynampet, Chennai 600 006

3. Severn Glocon Employees Welfare Union
rep by its Secretary
Plot No.40, S-2, KGT Nagar
Near Maran Garden, Katupakkam
Chennai 600 056

..Respondents

Appeal filed under Clause 15 of the Letters Patent against
the order dated 22.02.2019 made in W.P.No.28785 of 2018.

Prayer in W.P.No.28785 of 2018: Petition filed under Article 226
of the constitution of India praying to issue a writ of
certiorari Calling for the record in connection with the
Certified Standing Order dated 12.09.2017 passed by the 1st
respondent in Standing Orders Case File No.Aa/3164/2016 and
quash the same.

For Appellant :: Mr.M.Rajeswaran for
M/s Nathan & Associates

For Respondents :: Mr.V.Prakash
Senior Counsel for
M/s M.Karthikeyani for R1



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Mr.T.Arunkumar
Government Advocate
for R2
No appearance for R3

JUDGMENT

(Judgment of the Court was made by T.RAJA, J.)

This writ appeal has been directed against the impugned order of remand directing both the parties to go back to the second respondent, namely, the Joint Commissioner of Labour, Certifying Officer under the Industrial Employment (Standing Orders) Act, on the ground that when several objections were raised by the first respondent/writ petitioner-Federation, the second respondent appears to have not considered the same.

2. Heard both sides.

3. As contended by Mr.V.Prakash, learned Senior Counsel appearing for the first respondent/writ petitioner-Federation, when several documents were produced by the first respondent-Federation raising objections to the Draft Standing Orders, instead of allowing the parties to adduce evidence in support of their respective objections, unfortunately, the second respondent has simply brushed aside the objections and certified the Draft Standing Orders by the order impugned in the writ petition. Therefore, the learned single Judge, finding fault with the approach adopted by the second respondent, after setting aside the order impugned, has rightly remanded the matter back to the second respondent to consider the issue afresh after affording reasonable opportunity to both the first respondent-Federation and the Management before granting any certification to the Draft Standing Orders. Hence, finding no infirmity with the impugned order, the writ appeal fails and it is dismissed. Needless to state that the second respondent shall complete the enquiry, after affording reasonable opportunity to both parties, and pass appropriate orders on merits within a period of six months from the date of receipt of a copy of this order. Consequently, interim order stands vacated and the C.M.P.No.8751 of 2019 is also dismissed. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ss



To

1. The Joint Commissioner of Labour
Certifying Officer under Industrial Employment
(Standing Orders) Act
6th Floor, D.M.S.Compound
Teynampet
Chennai 600 006

+1cc to M/s.Nathan and Associates, Advocate, S.R.No.54423

+1cc to M/s.M.Karthikeyani, Advocate, S.R.No.55121

W.A.No.1283 of 2019

VSN-II (CO)
RGA (15/11/2021)