



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP No.2804 of 2021

Irena Vidhya Mabel Stanley ... Petitioner/Petitioner
Vs

The Managemnt of
M/s.Caterpillar India Pvt. Ltd.,
7th Floor, International Tech Park - Chennai,
Taramani Road, Taramani,
Chennai-600 113. ... Respondent/Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the Docket Order /Proceeding dated 28.10.2021 in I.A.U.S.R.No.3350 of 2021 in O.P.No.102 of 2021 on the file of the 1st Additional Labour Court, Chennai and to set aside the same.

For Petitioner : Ms.D.Geetha

O R D E R

Considering the fact that the revision is against the return made by the Additional Labour Court, notice to the respondent is deemed unnecessary.

2.The petitioner sought for transfer of proceedings in OP.No.102 of 2021 pending on the file of the I Additional Labour Court, Chennai to the Principal Labour Court, Chennai to be heard along with the Standing Order Appeal in SOA.No.1 of 2019. The Additional Labour Court returned the petition for presentation before the proper forum. The petitioner assumed that the Additional Labour Court had directed the petitioner to approach the Government and hence the petitioner is before this Court contending that the power of the Government to transfer is restricted to only cases referred to the Labour Court under Section 2(k) of the Industrial Disputes Act and the same will not extend to cases which are before the Labour Court under



Section 2A2 of the I.D. Act. That position of law is well settled.

3.The power of transfer vested in the Government under Section 33(b) of the I.D. Act would be applicable only to cases under Section 2(k) and not under 2A2. However, it is the Principal Labour Court, being the administrative head, which has the power to entertain transfer of cases between Labour Courts. Hence, the petitioner is directed to present the petition for transfer before the Principal Labour Court, which will deal with it in accordance with law. The Civil Revision Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vs

To:

1. The 1st Additional Judge,
Labour Court,
Chennai.

+1cc to M/s.D.Geetha, Advocate, S.R.No.66947

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NMI (CO)
SU(06/01/2022)