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W.P.No.28109 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2022

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.28109 of 2010

P.Nagarajan

..Petitioner

Vs.

1.Central Government Industrial
Tribunal cum Labour Court,
I Floor, 'B' Wing 26,
Haddows Road, Shastri Bhavan,
Chennai – 600 006.

2.Director,
Central Leather Research Institute,
Adyar, Chennai – 600 020.

3.The Management,
M/s.Narendra Engineering Works,
Civil and Mechanical Engineering Contractors,
B-2, Kala Flats, Temple Avenue,
Srinagar Colony, Saidapet,
Chennai – 600 015.

..Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, after calling for the concerned records from the 1st respondent quash the order of the 1st respondent Tribunal passed in I.D.No.31 of 2008 dated 20.09.2010 and



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consequently direct the 2nd respondent to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

For Petitioner : Mr.Balan Haridas

For R1 : Court

For R2 : Mr.T.Ravi Kumar

For R3 : No appearance

ORDER

The point of reference that culminated into the impugned Award is extracted as follows:

“whether the contract between the Management of Central Leather Research Institute and M/s.Narendra Engineering Works, with regard to employment of Sri P.Nagarajan is sham and bogus? If yes, whether the action of the principal employer in terminating the services of the said workman w.e.f. 2005 is legal and justified? If not, to what relief the workman is entitled to?”

2. Based on this reference, the Central Government Industrial Tribunal (hereinafter referred as 'CGIT'), had framed the points for consideration as follows:



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“(i) Whether the contract between the 1st respondent/Management and the 2nd respondent with regard to employment of P.Nagarajan is sham and bogus?

(ii) If yes, whether the termination of the workman is legal and justified?

(iii) To what relief the concerned workman is entitled?”

3. After extracting the claim statement as well as the counter statement of the parties, the findings appears at Paragraph No.16 of the Award. Perusal of these findings, reveals that though both the parties have marked various documents on their side and have also let in oral evidences, there is absolutely no discussion with regard to the evidential value of oral statements as well as the documentary evidences. By merely stating that on consideration of the entire materials and as borne out in evidence, documentary and oral, I am led to conclude that the case of the petitioner does not stand substantiated for any “relief”.



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4. The other details from paragraph No.16 also does not touch upon the evidences. While both the workmen, as well as the Management had attempted to place reliance on the various documents marked by them before the CGIT, I am of the view that these documents requires adjudication by the Tribunal and this Court exercising its powers under Article 226 of the Constitution of India, will not be justified in stepping into the shoes of the Tribunal. Since the impugned Award itself is not based on the evidences before it, the Award can be termed as a non-speaking Award. In this background, it would be appropriate to call upon the CGIT to reconsider the evidences before it and pass an Award accordingly, after giving due opportunities to both the parties.

5. In the light of the above discussions, the impugned Award dated 20.09.2010, is set aside and the matter is remanded back to the CGIT, Chennai, for reconsideration. The CGIT shall commence the adjudication from the stage of conclusion of the trial. Liberty is granted to both the parties to file their written submissions or present their oral arguments and thereafter the CGIT shall pass a speaking Award. The CGIT shall endeavour



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to pass such an Award, atleast within a period of three (3) months from the date of receipt of a copy of this order.

6. This Writ Petition stands ordered accordingly. No costs.

08.03.2022

Internet:Yes

Index:Yes/No

Speaking/Non-speaking order

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M.S.RAMESH, J.

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To

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