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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No. 6178 of 2022

and

W.M.P.Nos. 6249 and 6250 of 2022

Ranipet Roca Labour Union,
Represented by its Secretary

...Petitioner

Vs.

1. The Management of
Roca Bathroom Products Private Limited,
Mahatma Gandhi Road,
Ranipet 632 401
Vellore District

2. Ranipet Labour Union
Represented by its Secretary

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the concerned records from the Industrial Tribunal, Tamil Nadu, Chennai, quash the common order passed by the Industrial Tribunal, Tamil Nadu, Chennai 600 104, dated 01.02.2022 in Memo dated 22.01.2022 in S.R.No.49 of 2022 in I.A.No.196 of 2021 in I.D.No.03 of 2013 and Memo dated 24.01.2022 in S.R.No.63 of 2022 in I.D.Nos. 03 & 29 of 2013 as illegal, arbitrary and contrary to law in so far as holding that I.A.No. 184 of 2019 will be taken up for hearing along with the main industrial dispute and consequently direct the Industrial Tribunal, Tamil Nadu to decide I.A.No. 184 of 2019 in I.D.Nos. 3 & 29 of 2013 on its merits and in accordance with law within the time frame stipulated by this court.

For Petitioner	:	Mr. Balan Haridas
For Respondents	:	Mr. Anand Gopalan
		M/s. T.S. Goplan & Co
		for R1
		Mr. V. Prakash,
		Senior Counsel
		for Mr. T. Ram Kumar
		for R2



ORDER

The writ petition is filed for the issuance of a Writ of Certiorarified Mandamus, calling for the concerned records from the Industrial Tribunal, Tamil Nadu, Chennai, quash the common order passed by the Industrial Tribunal, Tamil Nadu, Chennai 600 104, dated 01.02.2022 in Memo dated 22.01.2022 in S.R.No.49 of 2022 in I.A.No.196 of 2021 in I.D.No.03 of 2013 and Memo dated 24.01.2022 in S.R.No.63 of 2022 in I.D.Nos. 03 & 29 of 2013 as illegal, arbitrary and contrary to law in so far as holding that I.A.No. 184 of 2019 will be taken up for hearing along with the main industrial dispute and consequently direct the Industrial Tribunal, Tamil Nadu to decide I.A.No. 184 of 2019 in I.D.Nos. 3 & 29 of 2013 on its merits and in accordance with law within the time frame stipulated by this court.

2. The petitioner is challenging the common order passed in Memo dated 22.01.2022 in S.R.No. 49 of 2022 in I.A.No.196 of 2021 and other connected application. According to the petitioner, they have filed an application in I.A.No. 184 of 2019 in I.D.Nos. 3 & 29 of 2013, for passing an interim award. The Industrial Tribunal has passed a common order in Memo dated 22.01.2022 along with another Memo in I.D.No. 3 of 2013 filed by the respondent management, wherein in paragraph 7 of the order, it is observed that 'I.D.Nos. 3 of 2013 and 29 of 2013 and four interim applications in I.A.Nos. 8 of 2019, 184 of 2019, 196 of 2021 and 345 of 2021 are pending for consideration'. Therefore, according to the petitioner, that common order is not applicable to the petitioner in I.A.No. 184 of 2019. Hence, the present writ petition is filed before this court challenging the finding of the Labour Court.

3. It is submitted by the learned counsel for the petitioner that the petitioner's application has not been independently considered by the Labour Court and the contention of the petitioner was also not recorded in the aforesaid application in I.A.No. 184 of 2019. Therefore, according to the petitioner, the said order passed by the Labour Court that the said I.A.No.184 of 2019 will also be taken up for final disposal along with I.Ds. is unsustainable. According to them, without giving opportunity or without the said application being taken on file along with other connected matters, a mere observation made in the order would not amount that the said Application has been independently considered by the Labour Court.



4. Mr. V. Prakash, learned counsel for the respondent union submitted that on merits of the case, the aforesaid application cannot be entertained, but during the course of the arguments, the learned Senior Counsel accepted that the Labour Court has not considered the said application I.A.No. 184 of 2019 independently in the impugned order and therefore the said application can be considered independently by the Labour Court.

5. Therefore, in the light of the above, it is clear that the Labour Court has not considered the application in I.A.No.184 of 2019 in the present impugned order under challenge in the writ petition before this court. It is only in the observation made in paragraph 7 of the impugned order, there is mention about I.A.No.184 of 2019. On perusal of the said order, this court finds that there is no mention about the said I.A.No. 184 of 2019 in the cause title and no opportunity was given to the counsel for the parties to make their submissions in I.A.No. 184 of 2019.

6. In view of the above submissions, this Court makes it clear that the order under challenge is not an order in I.A.No. 184 of 2019. The Industrial Tribunal is directed to pass appropriate orders independently, after hearing the parties concerned in I.A.No. 184 of 2019.

7. With the above observations, the writ petition is dismissed. It is made clear that whatever observation made in this order will not have any influence on the Industrial Tribunal, while deciding the said application filed by the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

mrn

To

1. The Industrial Tribunal
Tamil Nadu, Chennai



+1 CC to M/s.T.S. Gopalan & Co, sr 25188

+1 CC to Mr. Balan Haridas, Advocate sr 25242.

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RK (CO)

SP (09/05/2022)