



W.P.No.33681 of 2013

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **V.LAKSHMINARAYANAN**

W.P.No.33681 of 2013

and

M.P.No.1 of 2013

MOL Auto Logistics India Pvt. Ltd.

... Petitioner

Vs

1. The Labour Inspector,
Circle-I,
Nandanam,
Chennai – 35.
2. A.B.Suresh Kumar
3. R.Dharmendhirna
4. H.Rajan
5. R.Venkatesan
6. S.Narayanamurthy
7. M.Jothi
8. V.Kamaldas
9. S.Sugumar
10. R.Krishnan
11. P.S.Raj Samuel
12. R.Thanigaivel
13. A.Narayanasamy
14. V.Nehru
15. S.Rathinavel
16. K.Dhanniramyadav
17. D.Gopinathan
18. S.Baby



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19. M.Murugan
20. Omprakashpaul
21. T.Rajesh Yadav
22. Kan Sam Paul
23. Noorlan Ali
24. K.Subramanian
25. M.Murugan
26. M.Anand
27. N.Balaraman
28. K.Senthilkumar
29. G.Sathya Raj
30. M.Sathishkumar
31. V.Srinivasan
32. K.R.Kumar
33. Johnson
34. V.Elumalai
35. R.Ramesh Chandra Gowdu

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Prohibition, prohibiting the Labour Inspector Circle-I, the first respondent therein from proceeding with the dispute ref.no.Na.Ka.638/2013 dated 23.03.2013 raised by the Respondents 2-35.

For Petitioner : Mr.V.Varsha
for Mr.Sanjay Mohan

For Respondent : Mr.J.C.Durai Raj
Additional Government Pleader
(R1)



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ORDER

M/s.V.Varsha, learned counsel appearing on behalf of Mr.Sanjay Mohan, learned counsel for the petitioner would submit that the respondents 2 to 35 are the Subcontractors and not employees. She would further submit that the matter has to be decided only by the Labour Court and not by the Inspector of Labour under the Industrial Disputes Act, 1947.

2. The issue raised is no longer *res integra*. It has been settled by the Hon'ble First Bench of this Court vide order dated 07.03.2022 in W.P.Nos.4061 of 2013 and etc., batch.

3. In the said order, in paragraph 24, this Court has held that the Labour Inspector is vested with the power under the Act of 1981 to conduct a summary enquiry, while an elaborate adjudication of questions of fact and law can be adjudicated only by the Industrial Adjudicator under the Industrial Disputes Act, 1947. Therefore, suffice it to direct the first respondent to comply with paragraph 25 of the said order, which reads as under:-



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“25. In view of the above, we can safely hold that the Labour Inspector can exercise jurisdiction only in the nature of summary enquiry, while a case involving complicated question of fact and law to be left for its adjudication under the Act of 1947. The Labour Inspector can exercise his power under the framework of the Act of 1981. He has no power to adjudicate the issue in reference to other statutes, which includes the Act of 1970”

4. The writ petition stands disposed of with the above observations and directions. It is needless to state that the Labour Inspector is at liberty to take appropriate action within a period of three weeks from the date of receipt of a copy of this order. No cost. Consequently, connected miscellaneous petition is closed.

16.06.2023

Index : Yes/ No
Neutral Citation : Yes/No
Speaking/Non-speaking Order
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To

The Labour Inspector,
Circle-I,
Nandanam,
Chennai – 35.



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V.LAKSHMINARAYANAN, J.

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