



W.A. No. 2038 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MRS. JUSTICE R. KALAIMATHI

W.A. No. 2038 of 2019

&

C.M.P. No. 13725 of 2019

Bharat Heavy Electricals Limited,
Boiler Auxiliaries Plant,
Indira Gandhi Industrial Complex,
Ranipet – 632 406,
Tamil Nadu rep. by its
Additional General Manager

..Appellant

Vs.

1. The General Secretary,
Supervisory Union,
BAP/BHEL, BHEL Post, Ranipet,
Vellore – 632 406,.
2. Presiding Officer,
Central Government Industrial
Tribunal-cum-Labour Court,
1st Floor, B Wing, Shastri Bhavan,



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26, Haddows Road,
Chennai – 600 006.

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3. Regional Labour Commissioner,
26, Haddows, Road,
Chennai – 600 006.
4. Union of India, rep. by its
Secretary to Government of India,
Ministry of Labour
New Delhi 110 001.

..Respondents

Prayer: Writ Appeal as against the order dated 15.02.2019 passed in

W.P. No.19362 of 2018.

For Appellant :: Mr.A.V. Arun

For Respondents :: Mr.B.Sudhirkumar
Senior Panel Counsel for R3 & R4
R2 Court
No appearance for R1

J U D G M E N T

S. VAIDYANATHAN,J.

AND

R. KALAIMATHI,J.

The present writ appeal has been filed challenging the order dated
15.02.2019 passed in W.P. No.19362 of 2018.



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2. Notice has been served on the 1st respondent, but there is no representation on their behalf.

3. The 1st respondent Union had filed the writ petition challenging the order dated 20.11.2017 made in No.L-42011/165/2016 IR (DU) on the file of the Deputy Director, Ministry of Labour, Shram Shakthi Bhavan, Rafi Marg, New Delhi 110 001 and to quash the same.

4. The 1st respondent Union representing the category of supervisors, belonging to S-1 to S-3 grades, who are employed in the appellant Management had approached the 3rd respondent, namely, the Regional Labour Commissioner, seeking negotiation and settlement in regard to certain disparities in the pay as applicable to categories of S-1 to S-3 Supervisors and other incidental issues. The matter was taken up for conciliation by the 3rd respondent and after conclusion of the conciliation, having found that settlement between the parties was not possible, a failure report was submitted to the 4th respondent on 19.10.2016. Based on the



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failure report, the Central Government referred the dispute for adjudication vide its proceedings dated 20.11.2017. After the reference, the dispute was taken up as I.D. No. 104 of 2017 and adjudication process was commenced by the 3rd respondent. As against the said reference, the writ petition came to be filed by the appellant Management on the ground that the members of the 1st respondent Union were not workmen and therefore, the reference was bad.

5. The learned Single Judge, after considering the rival submissions, was of the view that when the dispute raised by the 1st respondent Union with regard to disparities in pay of Supervisors belonging to S-1 to S-3 grades had been referred for adjudication to the Industrial Tribunal, the Management could have raised all their objections before the Industrial Tribunal instead of approaching this Court challenging the very terms of reference thereby scuttling the process of expeditious industrial adjudication of the dispute raised by the 1st respondent Union. The learned Single Judge further observed that the writ petition appeared to have been filed by the appellant Management with an intention to frustrate the



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attempts made by the 1st respondent Union to have their pay grievances redressed before the adjudicatory forum and dismissed the writ petition.

Questioning the same, the present writ appeal has been preferred by the Management.

6. Since the reference made to the Industrial Tribunal is pending in I.D.No.104 of 2017, the Tribunal shall take into account the pleas made by both parties and render a finding. The Tribunal shall not adjourn the matter in I.D.No.104 of 2017 beyond seven working days at any point of time.

7. We do not find any error in the order passed by the learned Single Judge. **Accordingly, the Writ Appeal stands dismissed.** Consequently, connected C.M.P. is closed.

(S.V.N.,J.) (R.K.M.,J.)
11.04.2023

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To:

1. The Presiding Officer,
Central Government Industrial
Tribunal-cum-Labour Court,
1st Floor, B Wing, Shastri Bhavan,
26, Haddows Road,
Chennai 600 006.
2. The Regional Labour Commissioner,
26, Haddows Road,
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3. The Secretary to Government,
Union of India,
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**S.VAIDYANATHAN,J.
AND
R.KALAIMATHI,J.**
nv

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