



W.P.No.33672 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.33672 of 2016

1.The General Secretary,
NLC General Contractor Workers
Staff Union (CITU), CITU Office,
Near Central Bus Stand, Block 24,
Neyveli – 607 801.

2.The General Secretary,
NLC Thohilalar Ottrumai Maiyam
(AIUTUC), 36, Haja Lane,
Gangaikondan, Neyveli – 607 802.

... Petitioners

Vs.

1.The Presiding Officer,
The Central Government Industrial
Tribunal cum Labour Court,
Chennai – 600 006.

2.The Chairman cum Managing Director,
M/s.Neyveli Lignite Corporation Ltd.,
Corporate Office, Neyveli – 607 801.

3.The General Secretary,
NLC Builder's Association of India,
Neyveli, No.104, MRK Salai,
Indira Nagar, Neyveli – 607 801.



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- 4.The General Secretary,
NLC Contrator's Association,
No.46, PTR Mananan Nagar,
Gandhi Gram Post,
Neyveli – 607 801.
- 5.The General Secretary,
NLC Contract & Indcoserve Workers
Progressive Union, Mu.Su.Mani Arangam,
Block 17, Neyveli – 607 801.
- 6.The General Secretary,
NLC Anna Indcoserve & Contract Thozhilalar
Sangam (ATP), 2nd Street, Therruvellore,
Vadakkuvellore Post, Neyveli – 607 802.
- 7.The General Secretary,
NLC Anna Contractor Worker's Union,
No.8, Main Road, Neyveli – 607 802.
- 8.The General Secretary,
NLC Pattali Oppantha Thozhilalar Sangam (PTS),
D-10, K.N.Subburaman Road, Block No.19,
Neyveli – 607 803.
- 9.The General Secretary,
NLC National Contract & Indcoserve Workers Union (INTUC),
D-39, Anna Road, Block 25,
Neyveli – 607 803.
- 10.The General Secretary,
NLC Indcoserve Thozhilalar Uzhiyar Sangam (ITUS),
No.48/117A, Akilandagangapuram,
Ammeri Post, Neyveli – 607 802.
- 11.The General Secretary,
NLC Orunginaintha Oppantha Thozhilalar Sangam (LLFC),



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D-14, Alwaye Road,
Block-27, Neyveli – 607 803.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the award dated 06.05.2015 in I.D.No.47 of 2014 and the order dated 13.01.2016 in I.A.Nos.287 and 288 of 2015 in I.D.No.47 of 2014 from the file of the 1st respondent, quash the same and consequently direct the 1st respondent to restore I.D.No.47 of 2014 to file and decide the dispute on merits, after giving opportunity to all the parties to lead both oral and documentary evidence.

For Petitioner : Ms.H.Nanthini
for M/s.R.Krishnaswamy

For Respondents : Mr.N.Nithianandam [R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records pertaining to the award dated 06.05.2015 in I.D.No.47 of 2014 and the order dated 13.01.2016 in I.A.Nos.287 and 288 of 2015 in I.D.No.47 of 2014 from the file of the first respondent, quash the same and consequently direct the first respondent to restore I.D.No.47 of 2014 to file and decide the dispute on merits, after giving opportunity to all the parties to lead both oral and documentary evidence.



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2. The case of the petitioner is that, the petitioner Union raised a dispute in I.D.No.47 of 2014 and the same was dismissed for non-prosecution. Thereafter, the petitioner Union filed an Interlocutory Application (I.A.) for restoration of said I.D., however, the same was also dismissed. Challenging the order passed in the I.D. as well as the order passed in the I.A., the above writ petition has been filed before this Court.

3. The learned counsel for the petitioner, submits that, the Apex Court has held that Industrial Disputes can be disposed only on merits after letting in evidence produced by the respective parties, while so, the Industrial Dispute raised by the petitioner Union in I.D.No.47 of 2014 was dismissed for non-prosecution, which is not sustainable. Though the Industrial Disputes Tribunal/Labour Court, earlier, had no power to restore the Industrial Disputes on the ground of functus-officio, however, as per decision of the Apex Court, necessarily the Industrial Disputes Tribunal/Labour Court has to restore the above said Industrial Dispute and dispose the same on merits after providing opportunities to the parties to adduce evidence. Accordingly, he prays for appropriate orders.



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4. The learned counsel appearing for the second respondent did not dispute the facts submitted by the learned counsel for the petitioner. Hence, he submits that, this Court, may set aside the impugned order and remand the matter to the Labour Court for fresh consideration.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the second respondent and perused the materials available on record.

6. As rightly pointed out by the learned counsel for the petitioner, earlier the Industrial Disputes Tribunal have no power to restore the I.D., however, pursuant to the decision of the Apex Court, I.D. can be disposed only on merits after the parties produced the evidence. In view of the above, this Court feels that, the impugned orders can be set aside and remitted back to the Labour Court with a direction for reconsideration.

7. Accordingly, the award passed in I.D.No.47 of 2014 dated 06.05.2015 and the order in I.A.Nos.287 and 288 of 2015 in I.D.No.47 of 2014 dated 13.01.2016 on the file of the first respondent is set aside and the



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matter is remitted back to the first respondent/Labour Court for reconsideration. While reconsidering the same, the first respondent/ Labour Court shall give opportunity to the parties to let in evidence on their behalf and pass appropriate orders as expeditiously as possible.

8. With the above terms, the Writ Petition is disposed of. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

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The Central Government Industrial Tribunal cum Labour Court,
Chennai – 600 006.
- 2.The Chairman cum Managing Director,
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