



W.P.No.16739 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.16739 of 2014
and M.P.No.1 of 2014

The Management of
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.
Erode Region
Chennimalai Road
Erode-1

..Petitioner

Vs.

1.The Presiding Officer
Labour Court, Salem

2.The General Secretary
Tamil Nadu Thozhilalar Kurai
Theerkum Sangam
No.173-B 6th Street
Sakthi Nagar, Thindal
Erode-638 012

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the entire records of the Labour Court, Salem, by its order dated 24.03.2014 and quash the same, thereby allowed the I.A.No.436 of 2013 in I.D.No.107 of 2013.



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For Petitioner : Mr.M.Murali Vinod

For Respondents : R1 - Court

R2- No appearance

ORDER

This writ petition is filed praying to quash the order of the Labour Court, Salem, dated 24.03.2014.

2. Transport corporation is the petitioner. Workers Union is the 2nd respondent and the Union filed I.D.No.107 of 2013 seeking relief like regularisation and reemployment of certain workers. In the said I.D., I.A.No.436 of 2013 has been filed by the workers union, raising objection to the engagement of legal practitioner by the Transport Corporation before the Labour court.

3. The Labour Court, after perusing the pleadings and counter filed by both sides, passed the order dated 24.03.2014, holding that the opposite party in the I.D., viz., the Transport Corporation cannot be represented by a legal practitioner as there is objection by the claimants/workers in the I.D., and that the representation of the legal practitioners in the Industrial dispute cases is not permitted by the statutes governing the Labour courts.



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4. Mr.M.Murali Vinod, learned counsel appeared for the petitioner-transport corporation. There is no appearance for the second respondent/workers union.

5. The learned counsel appearing for the petitioner-transport corporation would contend that as per Section 30 of the Advocates Act 1961, an Advocate can appear before any court, Tribunal or any quasi judicial authority. He further submits that if an advocate is not permitted to appear before the Labour court, then the officials of the Corporation have to look into these matters and to contest the case apart from their routine work in the corporation which cause delay in disposing the cases pending before the Labour court.

6. Having heard the learned counsel for the petitioner-transport corporation and on going through the legal proposition in the subject matter, this court is of the considered opinion that for the disposal of the I.D., pending before the Labour court which is of the year 2013, it is absolutely necessary for the transport corporation to engage a legal practitioner to argue the I.D., before the Labour Court. Accordingly, the impugned order passed in I.A.No.436 of 2013 dated 24.03.2014 is set aside. The petitioner-transport corporation shall



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argue the case by engaging a practising advocate on their side before the Labour court. The Labour court shall take up the I.D.No.107 of 2013 and dispose of the same within a period of six months from the date of receipt of a copy of this order.

7. This writ petition is allowed on the above terms. No costs. Interim stay stands vacated.

03.01.2023

nvsri

To

1.The Presiding Officer
Labour Court, Salem



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J.NISHA BANU, J.

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