



WEB COPY



W.P.No.34123 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34123 of 2022

And

W.M.P.No.33594 of 2022

The Zonal Manager,
Food Corporation of India,
No.2, Haddows Road,
Chennai – 600 006.

... Petitioner

Vs.

1.The Workman,
rep. by the Convenor,
FCI Labour Federation,
7/2, Dharma Kanakammal Street,
West Mambalam,
Madras – 600 033.

2.The Bharathiya Vikas Employees Welfare Union,
Rep. by its General Secretary,
No.184, 8th Street, S-3 Flats,
Aalaya Homes Nest Modern City,
Pattabiram,
Chennai – 600 072.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari after calling for the records relating to the
Order dated 15.11.2022 passed by the Hon'ble Industrial Tribunal in



W.P.No.34123 of 2022

WEB COPY

EA 1 of 2022 in I.D.No.39 of 1992 and quash the same as being illegal, without jurisdiction, arbitrary and unconstitutional.

For Petitioner : Mr.C.K.Chandrasekhar
For Respondents : Mr.M.Sivaraman for R2
for M/s.A.Raveechandran

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari after calling for the records relating to the Order dated 15.11.2022 passed by the Industrial Tribunal in E.A.No.1 of 2022 in I.D.No.39 of 1992 and to quash the same as being illegal, without jurisdiction, arbitrary and unconstitutional.

2.The learned counsel appearing for the petitioner submitted that the first respondent raised industrial dispute before the Industrial Tribunal, Tamil Nadu in I.D.No.39 of 1992 and the Industrial Tribunal passed award dated 19.12.1997 in favour of the first respondent. Challenging the same, the petitioner filed W.P.Nos.11416 and 12416 of 1999 and vide order dated 14.08.2003, the said writ petitions were dismissed by this Court. Aggrieved by the same, the petitioner filed W.A.Nos.3382 and 3383 of 2003 and



W.P.No.34123 of 2022

the appeals were also dismissed

WEB COPY

by the Hon'ble Division Bench of this Court on 13.12.2006, against which, the petitioner preferred Civil Appeals No.10499 and 10511 of 2011 before the Hon'ble Apex Court and the said appeals were dismissed by the Hon'ble Apex Court on 20.08.2018. Thereafter, the respondents preferred E.A.No.1 of 2022 before the State Industrial Tribunal.

3.The learned counsel appearing for the petitioner further submitted that at the relevant point of time when industrial dispute was raised, the State Industrial Tribunal had jurisdiction to entertain the claim made by the first respondent, however after 2000, Central Government Industrial Tribunal was formed to decide the labour dispute inbetween the central employees. Hence the State Industrial Tribunal has to transfer the relevant papers regarding the industrial dispute to the Central Government Industrial Tribunal, however, the State Industrial Tribunal without jurisdiction passed the impugned order dated 15.11.2022 in the execution petition filed by the respondents to execute the award dated 19.12.1997 passed by the Industrial Tribunal in I.D.No.39 of 1992.



W.P.No.34123 of 2022

WEB COPY

4.The learned counsel appearing for the second respondent fairly conceded that after formation of the Central Government Industrial Tribunal, the State Industrial Tribunal have no jurisdiction to decide the execution petition and the same have to be transferred to the Central Government Industrial Tribunal cum Labour Court, I Floor, Haddows Road, Shastri Bhavan, Chennai – 600 006. Hence, this Court may issue direction to the State Industrial Tribunal to transfer all the papers relating to E.A.No.1 of 2022 in I.D.No.39 of 1992 to the Central Government Industrial Tribunal and also issue direction to the Central Government Industrial Tribunal to dispose of E.A.No.1 of 2022 within a reasonable time frame.

5.In view of the above, the impugned order dated 15.11.2022 passed by the State Industrial Tribunal in E.A.No.1 of 2022 in I.D.No.39 of 1992 is set aside. The State Industrial Tribunal is directed to transfer all the papers relating to E.A.No.1 of 2022 in I.D.No.39 of 1992 to the Central Government Industrial Tribunal, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the papers from the State Industrial



W.P.No.34123 of 2022

Tribunal, the Central Government Industrial Tribunal shall dispose of the application filed by the respondents, within a period of twelve weeks from the date of receipt of the papers.

6.The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2023

pri

Note: Registry is directed to mark a copy of this order to
'The Central Government Industrial Tribunal cum Labour Court,
I Floor, Haddows Road, Shastri Bhavan, Chennai – 600 006.'

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Central Government Industrial Tribunal cum Labour Court,
I Floor, Haddows Road,
Shastri Bhavan,
Chennai – 600 006.

2.The Workman,
rep. by the Convenor,
FCI Labour Federation,
7/2, Dharma Kanakammal Street,
West Mambalam,
Madras – 600 033.

3.The Bharathiya Vikas Employees Welfare Union,
Rep. by its General Secretary,

5/6



W.P.No.34123 of 2022

No.184, 8th Street, S-3 Flats,
Aalaya Homes Nest Modern City,
Pattabiram, Chennai – 600 072.

WEB COPY

M.DHANDAPANI,J.
pri

W.P.No.34123 of 2022
And
W.M.P.No.33594 of 2022



WEB COPY



W.P.No.34123 of 2022

01.08.2023