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W.P. No.35673 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM :

THE HONOURABLE MR. JUSTICE K. KUMARESH BABU

W.P.No.35673 of 2023
and
W.M.P.No.35646 of 2023

M/s.Sungwoo Stamping Pvt. Ltd. Workers Committee,
Earlier Known as Gestamp Sungwoo Hitech (Chennai) Pvt. Ltd
Workers Committee,
Rep. By its Member K. Adhikesavan
Survey No.488/2, Mannur village, Valarpuram
Sriperumbudur,
Kancheepuram District. 602 105. ... Petitioner

Vs.

1.The Presiding Officer,
Hon'ble Industrial Tribunal
City Civil Court Building, 2nd Floor,
Madras High Court Campus,
Chennai-600 104.

2.The Management
Gestamp Sungwoo Hitech (Chennai) Pvt. Ltd.,
Survey No. 488/2, Mannur Village,
Valarpuram Post,
Sriperumbudur Taluk – 602 015,
Kanchipuram District.



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3.Puthiya Jananayaga Thozhilalar Munnani

Regn.No.43/TVR,

Rep.By its Secretary,

No. 110/63, N.S.K. Salai,

Kodambakkam,Chennai – 600 024.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 1st respondent not to proceed with ID.No.30 of 2014, ID.10 of 2017 and connected disputes pending disposal of M.A.No.2483 of 2023 in Civil Appeal No.5418 of 2023 arising out of SLP (C)No.30334 of 2018 pending on the file of the Hon'ble Supreme Court of India.

For Petitioner : Mr.N.G.R.Prasad

For Respondents R2 : Mr.C.K.Chandrasekar

R3 : Mr.Balan Haridas

ORDER

The writ petition has been filed challenging the rejection of adjournment before the 1st respondent by filing an application in I.A.No.2 of 2023 which seems to have been rejected by the 1st respondent by holding that the Hon'ble Apex Court in Civil Appeal No.5418 of 2023, dated 22.08.2023 had directed the Tribunal to dispose of the proceedings pending before it within a period of six months from the date of receipt of a copy of this order. The time limit fixed by the Hon'ble Apex Court would lapse by 02.03.2024.



2. It is brought to the notice of this Court that an application in M.A.No.2483 of 2023 in the aforesaid Civil Appeal has been taken out by the petitioner herein, which is yet to be listed before the Hon'ble Apex Court. The ground on which the said miscellaneous applications have been filed is that there is no dispute, that is still available before the Industrial Tribunal to enter upon and pass appropriate order.

3. Mr.Balan Haridas, the learned counsel appearing on behalf of the 3rd respondent would vehemently oppose this writ petition by contending that it is nothing but an abuse of process, in trying to drag on or delay the proceedings in which the Hon'ble Apex Court had issued a specific direction to dispose of the I.D. Within a period of six months, which the time lapses on 02.03.2024.

4. I have considered the rival submissions made on either side and perused the materials placed on record.

5. It is an admitted case that the Hon'ble Apex Court had fixed the time line for disposal of the Industrial dispute which according to the



Tribunal, lapses on 02.03.2024. However, if the application filed by the petitioner, before the Apex Court, is ordered in favour of the petitioner, then there may be no dispute that could be available before the Industrial Tribunal to adjudicate the matter.

6. On the other hand, if the Hon'ble Apex Court, rejects the claim of the petitioner, in their application, then the Tribunal would have to proceed and dispose of the case. In such circumstances, I am of the view, for the reason assigned in this issue, is that one of the Hon'ble Judge who had passed the order in the Civil Appeal, is not sitting.

7. Considering the fact that the Supreme Court is on vacation, it is deemed fit and proper that the proceedings can be adjourned till 08.01.2024, before which the petitioner would be at liberty to move Hon'ble Apex Court to get the application and get appropriate orders on the same. If the petitioner fails to get any appropriate orders, the 1st respondent Tribunal is at liberty to proceed with the matter on day to day basis, in view of the time line granted by the Hon'ble Apex Court.



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8. With the aforesaid observations, the writ petition is disposed of.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
dpa

To:

1.The Presiding Officer,
Hon'ble Industrial Tribunal

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2.The Management
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Survey No. 488/2, Mannur Village,
Valarapuram Post,
Sriperumbudur Taluk – 602 015,
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3.The Secretary,
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K. KUMARESH BABU,J.

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