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W.P.No.6618 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.03.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.6618 of 2024

and

WMP.No.7342 of 2024

The General Secretary,
Transport & Dock Worker's Union,
193, B, Railway Colony,
Egmore, Gandhi Irvin Road,
Chennai-600 008.

...Petitioner

Vs.

The Chairman,
Chennai Port Authority,
Rajaji Salai, Chennai.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records of the Award passed in I.D.No.4/2019 dated 27.01.2023 by the Tribunal viz., Central Government Industrial Tribunal cum Labour Court, Chennai represented by its Presiding officer and the consequential docket order of the proceedings in ID.No.4/2019 dated 25.07.2023 and quash the same and consequently direct the Tribunal viz., Central Government Industrial



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Tribunal cum Labour Court, Chennai represented by its Presiding officer to restore the I.D.No.4/2019 to file and take up the ID for adjudication on merits within a time frame to be fixed by this Court.

For Petitioner : Mr.V.Vijayashankar
For Respondent : No appearance

ORDER

Writ petition is filed challenging the Award passed in I.D.No.4 of 2019 dated 27.01.2023 where the Central Government Industrial Tribunal cum Labour Court, Chennai (Hereinafter called as CGIT, Chennai) and the consequential docket order of the proceedings in I.D.No.4 of 2019 dated 25.07.2023.

2. The petitioner union raised the dispute seeking relief of implementation of the modified Assured Career Progression Scheme to 42 Junior Engineers (Civil) working in the respondents department and further relief of refund of amounts recovered from the employees towards Family Planning increment. The I.D. was pending before the CGIT,



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Chennai from 2009 onwards. After counter affidavit of the respondent, the I.D. was posted on 18.03.2022 and 17.05.2022, but on both dates there was no sitting by the Tribunal. The matter was taken on subsequent dates and later the junior counsel representing the petitioner union before the Labour Court, met with an accident and suffered minor fractures in his left leg, he did not attend the office of the senior counsel for two months. In the aforesaid circumstances, the I.D was taken up on 31.10.2022 and later on 28.11.2022 and as there was no representation on behalf of the petitioner union, the Tribunal reserved the matter for orders on 28.11.2022 and pronounced orders on 27.01.2023, dismissing the I.D. for default. The order was sent by the Tribunal to the petitioner by post on 09.05.2023 and the same was received on 26.05.2023. Only then the petitioner came to know that the I.D. was dismissed and thereafter filed I.D citing the above reasons. No counter was filed by the respondent in the I.A. The Tribunal on 25.07.2023 dismissed the petition, even without numbering the same and passed the order in I.D.No. 4 of 2019. Aggrieved by the order dated



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25.07.2023 the petitioner has filed the above writ petition.

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3. Though notice to the respondent was sent on 15.03.2024, there was no representation for the respondent. The petitioner was directed to issue fresh notice and private notice was also permitted. The petitioner once again sent private notice on 21.03.2024 and the same was delivered on 22.03.2024 and proof of the same in the form of online delivery status was filed before this Court. Even though private notice was served on the respondent none appears for the respondent.

4. I have gone through the docket order of the proceedings dated 25.07.2023 and I find *ex facie* that the order is non speaking in nature. None of the averments raised by the petitioner to the affidavit in support of the petition were considered by the respondent. I am therefore of the view that the impugned order cannot be sustained and therefore the same is set aside. The Central Government Industrial Tribunal cum Labour Court,



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Chennai is directed to consider the I.A. on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

Writ petition is accordingly allowed. No costs. Consequently, connected WMP is closed

28.03.2024

dsn

Index:Yes/No

Speaking Order:Yes/No

Neutral Citation:Yes/No

To

1. The Central Government Industrial Tribunal cum Labour Court,
Chennai.

2.The Chairman,
Chennai Port Authority,
Rajaji Salai, Chennai.

N.MALA,J.

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