



Writ Petition No.7554 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved On	03.04.2024
Orders Pronounced On	26.04.2024

CORAM

THE HON'BLE DR. JUSTICE D.NAGARJUN

Writ Petition No.7554 of 2024

The Management,
Gestamp Sungwoo Hitech (Chennai) Pvt. Ltd.,
No.488/2, Mannur Village,
Valarpuram, Sriperumbudur,
Kanchipuram District – 602 105.

...Petitioner

Versus

1.Puthiya Jananayaga Thozhilalar
Reg. No.43/TVR
Rep.by its Secretary,
No.110/63, N.S.K Salai,
Kodambakkam,
Chennai – 600 024.

2.Five Men Committee of Employees of
Gestamp Sungwoo Hitech Chennai Pvt. Ltd.,
(Now renamed as Sungwoo Stamping Pvt. Ltd.,)
S.Ashok Kumar,
S.Thirunavukarasu,
G.Ashok Kumar,
V.Jayakanth,
M.Govindaraj,
No.1/67, Ponnai Amman Koil Street,
Nemilicheri, Tiruninravur Post – 602 024.

3.M/s.Sungwoo Stamping Pvt. Ltd.,



Writ Petition No.7554 of 2024

Workers Committee,
Earlier known as Gestamp Sungwoo,
Hitech (Chennai) Pvt. Ltd.,
Workers Committee,
Rep. By its Members K.Adhikesavan,
Survey No.488/2, Mannur Village,
Valarpuram, Sriperumbudur,
Kanchipuram District – 602 105.

...Respondents.

Prayer: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Certiorari calling for the records on the file of the Hon'ble Industrial Tribunal relating to the common order dated 22.01.2024 made in IA.No.7 of 2024 in ID.No.30 of 2014, IA.No.4 of 2024 in ID.No.10 of 2017 and quash the same.

For Petitioner	:	Mr.C.K.Chandrasekhar for Mr.S.Ravindran Senior Advocate
For Respondents	:	Ms.V.Porkodi – R1
	:	Mr.Balan Haridass – R2
	:	Mr.Row And Reddy for Mr.NGR.Prasad Senior Advocate - R3

ORDER

This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Certiorari calling for the records on the file of the Hon'ble Industrial Tribunal relating to the common order dated 22.01.2024 made in IA.No.7 of 2024 in ID.No.30 of 2014, IA.No.4 of 2024 in ID.No.10 of 2017 and quash the same.



Writ Petition No.7554 of 2024

2. The facts as per the writ petition are in brief are as under:

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The respondent No.1/Union and respondent No.3/M/s. Gestamp Sungwoo Hitech (Chennai) Pvt. Ltd. has rasied industrial dispute in ID.No.30 of 2014, ID.No.10 of 2017 and I.D.No.08 of 2015 on reference by the Government under Section 10 of the ID Act.

Respondent No.2 “Five Men Committee of Employees” of Sungwoo Hitech (Chennai) Pvt. Ltd. has filed IA.No.7 of 2024 in ID.No.13 of 2014, IA.No.4 of 2024 in ID.No.10 of 2017 and IA.No.1 of 2024 in ID.No.8 of 2015 under Section 11 of ID Act, 1947 read with Rule 25 (2) and Rule 34 of Tamil Nadu Industrial Dispute Rules, 1958, to substitute the Five Men Committee of Employees in place of the Union or in alternative to amend the cause title in respect of the petitioner. The said impleading petitions were opposed by Respondent No.3/Management by way of filing counter-affidavit. The Labour Court has disposed off all of them by way of impugned common order dated 22.01.2024 by permitting to implead, respondent No.2/Five Men Committee as one of the Respondents. Aggrieved by the same, the present writ petition is filed by the Management of Gestamp Sungwoo Hitech (Chennai) Pvt. Ltd.

The employees of the door frame section of the petitioner are the members of the first Respondent Union, which has raised three disputes



concerning the employees working in the door frame section of the petitioner management. The signatories of the resolution passed for formulation of the second Respondent Five Men Committee are the members of the first Respondent Union. First Respondent Union was diligently prosecuting the dispute before the Tribunal. However on account of certain issues in the Principal Union, there is a dispute within union, thereby union was unable to carryout the activities smoothly. Thereby workers have decided to form Five Men Committee to substitute/implead the dispute.

3. It is submitted by the learned Sr. Counsel appearing for the Petitioner/Management that the respondent No.2/Five Men Committee has no locus standi to implead, since the Union has been representing the cause of the employees. It is further submitted that the respondent No.1/Union seems to have intra union disputes and once the first Respondent Union is in existence, the 2nd respondent committee cannot espouse the claim. It is further submitted that the Tribunal has not issued notices to the 1st respondent/Union on the ground that the Counsel who appeared for Respondent No.1/Union as well as 2nd respondent/Five Men Committee was one and the same. The first respondent has filed memo stating that the 1st Respondent/Union has no objection for impleading of



2nd respondent, which runs as under:

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“The 1st petitioner Union states that the above dispute concerns the employees, who have formed the Five Men Committee of Employees. The 1st Petitioner Union has no objection for the 2nd Petitioner Five Men Committee of Employees to prosecute this dispute.”

4. Learned counsel for the 2nd respondent/Five Men Committee has been submitted that Hon'ble Apex Court in Civil Appeal No.5418 of 2023 directed to dispose off the Industrial Dispute in six (6) months. Similarly in WP.No.35673 of 2023, this Court has directed the Tribunal on 21.12.2023 to proceed to dispose of the case on day to day basis. Aggrieved by the said orders, the 3rd Respondent Committee has filed SLP No.699 of 2024 and the same was dismissed.

5. It is further submitted that there was a split in the Union and attempting to divert the disputes being adjudicated on merits and the impleading petitions were filed primarily to give quietus to the objections of the management regarding the locus standi of the Union to prosecute the dispute.

6. It is further submitted that the Petitioner/Management filed MA.319 of 2024 in CA.No.5418 of 2023 to remove the Five Men Committee of the Employee, the Hon'ble Apex Court has passed the following orders:-



“ The remedy, if any, of the applicant/appellant is to challenge the order dated 22.01.2021 (Annexure D) in according with law.

By granting liberty to the applicant/appellant to challenge the order dated 22nd january 2024 in accordance with law, we dispose of the application for direction.

Miscellaneous Applications stands disposed of”

7. It is further submitted that in order to stall the progress of the Trial of the Industrial Dispute, this writ petition is filed and obtained a stay, on account of which the Trial in the Tribunal could not be proceeded with which is against the direction of the Hon'ble Supreme Court, to take up the matter and complete within six (6) months. It is further submitted by the learned counsel for the respondent that the intention of the Management to push the employees to the desperation and to see that the disputes are not adjudicated. The attempt of the Management to overreach the orders of the Apex Court by not permitting the Tribunal to complete the adjudication of the dispute and that the issues raised in this writ petition can be raised before the Tribunal while adjudicating the main dispute.

8. It is submitted further that the 3rd Respondent filed IA.No.2 of 2023 questioning the locus standi of the Union to prosecute the dispute and the said IA was disposed off by the Tribunal observing that the said



issue can be decided along with the main issues and it has become final, the writ petition filed by the Management cannot be entertained.

9. It is further submitted that the objections, of the petitioner/management in respect of the representing capacity of the Five Men Committee should be decided during the course of enquiry.

10. It is further submitted by the learned counsel for the respondent that no writ will lie against the orders passed in interlocutory applications as it is held in ***DP Maheshwari Vs. Delhi Administration AIR*** (1984) SC 153 and that there cannot be a piecemeal adjudication, the said application should be kept with and clubbed along with the main dispute.

11. Heard both sides and perused all the available materials on record.

12. These impleading petitions were filed under Section 11 of Industrial Dispute Act read with Rule 25 (2) and 34 of Industrial Dispute Rules, 1958. **Learned Tribunal while passing the impugned orders has quoted the judgment of the Hon'ble Apex Court in *Hochtief Gammon Vs. Industrial Tribunal* (1964) SCR 97 596, the relevant portion from the judgment of the Hon'ble Supreme Court is reproduced for ready reference:**



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Writ Petition No.7554 of 2024

“Reverting then to the question as to the effect of the power which is implied in s. 18(3)(b), it is clear that this power cannot be exercised by the Tribunal so as to enlarge materially the scope of the reference itself, because basically the jurisdiction of the Tribunal to deal with an industrial dispute is -derived solely from the order of reference passed by the appropriate Government under s. 10(1). What the Tribunal can consider in addition to the disputes specified in the order of reference, are only matters, incidental to the said disputes; and that naturally suggests certain obvious limitations on the implied power of the Tribunal to add parties to the reference before it, purporting to exercise its implied power under s. 18(3)(b). If it appears to the Tribunal that a party to the industrial dispute named in the order of reference does not completely or adequately represent the interest either on the side of the employer, or on the side of the employee, it may direct that other persons should be joined who would be necessary to represent such interest. If the employer named in a reference does not fully represent the interests of the employer as such, other persons who are interested in the undertaking of the employer may be joined. Similarly, if the unions specified in the reference do not represent all the employees of the undertaking, it may be open to the Tribunal to add such other unions as it may deem necessary. The test always must be, is the addition of the party necessary to make the adjudication itself effective and enforceable? In other words, the test well be, would the non-joinder of the party make the arbitration proceedings ineffective and unenforceable? It is in the light of this test that the implied power of the Tribunal to add parties must be held to be limited.”

13. On going through the Industrial Disputes Act, 1947 and Rules made thereunder in Tamil Nadu Industrial Dispute Rules and on going through the Law laid down by the Hon'ble Apex Court as



referred above, it is clear that in the industrial dispute which was referred by the Government impleading all the parties can be maintained. In the Industrial Dispute parties can be impleaded.

(i) If it appears to the Tribunal that parties to the Industrial Dispute do adequately represent the interest of the parties to the dispute, thereby the persons who are interested may be joined.

(iii) If the Union specified in the reference do not represent all the employees , it may be open to the Tribunal to add such other Unions as may be necessary, and the test shall be whether non-joinder of the proposed parties makes proceedings in-effective an un-enforceable.

14. The relevant portion of the affidavit filed along with the impleading petitions, the 2nd respondent/Five Men Committee is extracted hereunder:

“6.The management cannot be saddled with a litigation when the claimant union is not willing to prosecute the claim. The substitution would change the character of the dispute from s.2(k) to s.2A of the Industrial Disputes Act, 1947. It is also pointed out that Rule 25 (2) of the Tamil Nadu Industrial Dispute Rules, 1958 cannot be applied for the present proceedings as the same relates only to a settlement arrived at the course of conciliation. Hence, the interim application ought to be dismissed and the dispute has to be closed.

7. The learned counsel for the 3rd respondent union has submitted along the same lines as that of the 1st



respondent management. In addition, it is also pointed out that the prayer sought for itself is not clear and therefore, that the petition has to be dismissed.

8. Upon hearing both sides and having perused the materials on record, this Tribunal frames the following points for consideration.

1. Whether the petitioner is a necessary or proper party to the proceedings?

2. Whether the petitioner is entitled to seek for substitution?

3. Whether the petition has to be allowed?"

15. On considering the pleadings of the affidavit filed along with the impleading petitions in para Nos.6 to 8, it is evident that the 1st respondent/Union has been diligently prosecuting the dispute nothing before the Tribunal but also in other legal forums. As per the affidavit of the impleading petition, it is also mentioned that there is rivalry within the Union and that there are disputes among the employees, the disputes regarding the leadership is not yet resolved and the Management is taking the advantage of the same and attempting to divert the issues and placing blocks for the adjudication of the dispute.

16. The dispute between the Management and the Workman has been referred by the Government under Section 10 of the ID Act. Though it has been argued on behalf of the Management that once the dispute has



been referred to the Tribunal by the Government no additions or deletions can be made on any of the aspects of the reference, still law is very much settled, as long as the very nature of substance and subject matter, purpose of the reference have not been changed, the impleadement of parties can be allowed, on fulfilling the other requirements.

17. The reference was made by the Government on the request of the Union and same Union has been prosecuting the dispute before the Industrial Tribunal. The question, therefore, arises whether there is any situation wherein the respondent Union has failed in any aspect in prosecuting the dispute before the Tribunal. Even according to 2nd respondent/Five Men Committee in the affidavit, the 1st respondent/Union has been diligently prosecuting the dispute before the Tribunal. However, the only ground that the Five Men Committee has explained in the affidavit is that, there are disputes in the leadership of the Union and also disputes among the executing committee members of the workmen. In fact in every Union, the disputes exists either among the members of the Executive Committee or among the workers and executive committee. Therefore, the disputes among the workers are not uncommon in the Union but as long the Union represents the workmen, it will have the right to represent the workmen. Therefore, merely because there are some



disputes in the leadership of the Union and the members of the Union, it can never be a ground to implead the 2nd respondent.

18. Further, in the impugned order the Tribunal has made certain observations which are worth noting and they are extracted hereunder:

“It is not out of place to note that the Five Men Committee representing the other workers of the respondent company were impleaded on the same basis by this Tribunal and are shown as the 3rd respondent in the present proceedings. While saying so, this Tribunal finds that the issue of whether the petitioner truly represents the workers and their locus standi can always be agitated by the respondents at the time of adjudicating the main dispute. At this stage of considering the impleading petition, this Tribunal is only concerned with the as to whether the proposed party is necessary or proper party and whether there is a prima facie to show the same.”

19. The Tribunal has further observed at para 16 as under:

“16. The present petition is filed to substitute the petitioner in the place of the Second Respondent claimant union. However, during the course of the arguments, the learned counsel for the petitioner would admit that the union is still functional and that he continues to represent the said union. It is also stated that there is no conflict of interest between the Second Respondent respondent union and the petitioner. However, that there is conflict only among the leadership in the main union and the the present petition is filed only by way of abundant caution. In light of the said submission, since the Second Respondent respondent union is already represented by a counsel, there is no necessity for sending notice to the Second Respondent respondent union as suggested. The respondents are at



liberty to adduce evidence, if any, to substantiate the allegations made in the counter statement during the course of the enquiry. If such necessity arises, in future, this Tribunal has the power to order production of documents and summon parties at the appropriate stage. However, in this preliminary stage, the same is felt unnecessary. Since the 2nd respondent union is functioning, this Tribunal finds that the prayer to substitute the party is unnecessary. However, the legitimate right of the workers covered under this dispute cannot be shuttled on technicalities. Therefore, considering the contentions, this tribunal is inclined to include the petitioner as the 2nd petitioner in the reference.”

20. The Tribunal has observed more than once that there is no necessity to implead Five Men Committee as one of the parties and at the same time has passed orders impleading the Five Men Committee. The Tribunal has observed that there is no conflict of interest between the Union and the Five Men Committee. Once there is no conflict at all between the Union which is prosecuting the industrial dispute and the Five Men Committee, there was no reason why the Five Men Committee was impleaded. The cause of action arises for the 2nd respondent/The Five Men Committee to seek its impleadement only if it alleges that the 1st respondent/union is not properly prosecuting the industrial dispute and that there is conflict of interest. However, even according to the learned



counsel for the 2nd respondent, the 1st respondent/Union is properly prosecuting the case and there is no conflict of interest. In addition to that the Tribunal has further observed that since the workman is being represented by the 1st respondent/Union, seeking to substitute the 2nd respondent/The Five Men Committee is unnecessary, but again felt that legitimate right of the workers can not be skuttled on technicalities. The impleadement should have to be ordered basing on the sound legal principles and on considering that test, laid down by the Hon'ble Supreme Court referred by the Tribunal itself.

21. The 2nd respondent/The Five Men Committee was expected to demonstrate before the Court as to how the lis pendens between the Management and the Workman as per the reference made by the Government cannot be adjudicated effectively if the 2nd respondent/The Five Men Committee is not a party to the industrial dispute. The 2nd respondent/The Five Men Committee has miserably failed on this aspect. Nothing is placed before this Court to show that if the 2nd respondent/The Five Men Committee is not impleaded, the reference cannot be adjudicated properly.

22. There is no mention in the affidavit by the 2nd respondent/The Five Men Committee in the impleading petition, that from the date of



Writ Petition No.7554 of 2024

reference of the industrial dispute to the Tribunal until impleading petitions were filed by the 2nd respondent, whether there were any laches, on the part of the 1st respondent/Union in prosecuting the case. In fact Trial has been commenced on the directions of the Hon'ble Supreme Court of India. That means from the date of reference of the industrial disputes until filing of the chief affidavit of WW1, there are no complaints against the 1st respondent/Union in respect of prosecution the Industrial Dispute. Therefore, there is no reason why the 2nd respondent is required to be impleaded.

23. It is submitted by learned Counsel appearing for the 2nd respondent that the petitioner/Management has been creating stumbling blocks successfully to see that there is no progress in the Trial. According to the learned Counsel for the 2nd respondent on account of filing this writ petition and taking the stay orders, the trial could not be proceeded with. It is true that because the pendency of this writ petition, the directions of the Hon'ble Apex Court and the directions given by the this Court in other writ petitions could not be taken effect. However, this has happened not because of the Petitioner/Management. In fact orders were passed by the Hon'ble Supreme Court of India on 22.08.2023 but the 2nd respondent has filed impleading applications in the year 2024. In case if those impleading



applications are not filed, the Trial could have been continued smoothly, if at all anybody has to be blamed for delay in progress before the Tribunal, it is the 2nd respondent/Five Men Committee, which in fact intervened in the process of Trial. However, the 2nd respondent has got every right to file application of impleadment. Similarly, the Management also have right to question the orders of impleadment. The 2nd respondent is blowing hot and cold in this regard. The 2nd respondent who has stalled the progress of the trial by filing the impleading petitions is taking plea in this Court that by filing the writ petition the management is stalling the progress of the trial.

24. The other aspect raised by the Petitioner/Management is that the Labour Court has not issued any notice to the 1st respondent/Union prior to considering the applications for impleadment of the 2nd respondent/The Five Men Committee. It is true that the Tribunal should have issued notice to the 1st respondent/Union in the impleading applications filed by the 2nd respondent/The Five Men Committee. Whenever an application is filed, more particularly in an application for impleading the 3rd parties, the Tribunal is expected to issue notice to all the parties to the industrial dispute, but the Tribunal has selectively not ordered the notice to the 1st respondent. In the impugned order the



Tribunal tried to explain as to why notice has not been ordered against the 2nd respondent. As per the impugned order, the counsel representing the Five Men Committee who has filed the impleading petitions is the same counsel who represents the 1st respondent. Therefore, the court felt, that since the counsel on record, is the same for 1st respondent and 2nd respondent Five Men Committee there was no need to issue any notice. This observation of the Tribunal is erroneous, keeping aside the issue as to whether, the same advocate can represent the 1st as well as 2nd respondents impleading petitioners, the question is notice must go to every individual, union or institution in the application filed for seeking any relief. In fact the 1st respondent union has filed memo that they do not have any objection for impleadement of 2nd respondent. A procedural irregularity committed by the Tribunal in not giving notice the 1st respondent union.

25. The learned Counsel appearing for the 2nd respondent has submitted that even if the 2nd respondent is impleaded in the industrial dispute no prejudice is being caused to the petitioner/management. It is true that on account of impleadement of the 2nd respondent into the industrial dispute, no prejudice is going to be caused to the petitioner/management. However, the test is not as to whether on account



of impleadement of a 3rd party, any prejudice will be caused to any of the existing parties or not, the question however to be considered is, if the proposed parties are not impleaded whether the reference made to the Tribunal cannot be effectively adjudicated. Therefore, merely because on account of impleadement, if no prejudice is caused to any of the parties, already existing in the industrial dispute, it cannot be a ground for impleadement of the parties.

26. There is ambiguity in the prayer of the impleading petition. The 2nd respondent/The Five Men Committee sought for the impleading the 2nd respondent as one of the parties substituting the respondent No.1/Union. That means, the impugned petition wants the 1st Respondent Union to be deleted as one of the parties and in its place to implead the Five Men Committee. However, as per the impugned order, the counsel for the 2nd respondent seems to have submitted to confine the prayer only to implead the 2nd respondent as one of the parties.

27. As long as the 1st respondent/Union is representing the Workman, there is no reason as to why another committee representing the workman be one of the parties to the Industrial Dispute. Once the 2nd respondent is the party, it will have to be given opportunity to adduce the evidence, apart from the 1st respondent/Union. Industrial Dispute is



Writ Petition No.7554 of 2024

referred to resolve the dispute between the Management and the Workman and it is not a forum to settle the scores between the rival groups of the workmen. If the evidence is asked to adduce from 1st respondent and 2nd respondent separately there likely to arise conflict of interest, which ultimately affect the entire workmen while resolving the dispute raised by the 1st respondent.

28. The learned Counsel for the 2nd respondent has submitted that no writ petition can be entertained against the interlocutory orders, as there shall be no piece meal adjudication of the dispute. It is true that the law is very well settled that there shall not be a piece meal adjudication and in general there shall be not any writ petition aggrieved by the orders passed in the interlocutory applications. However, the context in which the present writ petition is filed is different. In the instant case the grievance of the petitioner/management is that the 2nd Respondent/Five Men Committee which was impleaded by the Tribunal is erroneous on the basis of Law established. Therefore, considering the facts of the case on hand, the rationale submitted by learned counsel for the respondent No.2 that writ petition is not maintainable questioning the interlocutory order is not applicable.

29. Learned counsel for the petitioner has cited judgment decided



in ***Hochtief Gammon Vs. Industrial Tribunal, Bhubaneshwar*** AIR 1964

SUPREME COURT 1746 the relevant paragraphs are extracted below:

“7. In dealing with this question, it is necessary to bear in mind one essential fact, and that is that the Industrial Tribunal is a Tribunal of limited jurisdiction. Its jurisdiction is to try an industrial dispute referred to it for its adjudication by the appropriate Government by an order of reference passed under s. 10. It is not open to the Tribunal to travel materially beyond the terms of reference, for it is well-settled that the terms of reference determine the scope of its power and jurisdiction from case to case. Section 10 itself has been subsequently amended from time to time. Act 18 of 1952 made substantial amendments in s. 10. One of these amendments was that s. 10(1)(d) now empowers the appropriate Government to refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule, or the Third Schedule, to a Tribunal for adjudication. In other words, under s. 10(1)(d), the appropriate Government can refer to the Industrial Tribunal not only a specific industrial dispute, but can also refer along with it matters appearing to be connected with, or relevant to, the said dispute. In that sense, the power of the appropriate Government has been enlarged in regard to the reference of industrial disputes to the Tribunal.

30. Learned counsel for the 2nd respondent has cited following judgments in support of his contentions, the relevant portions are extracted hereunder:

(i). ***National Council for Cement & Building Materials Vs. State of Haryana and Ors.*** (1996) 3 SCC 206 of which relevant paragraph



reads as under:

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“The Tribunal, by its subsequent order rightly decided to hear the issue along with other issues on merits at a later stage of the proceedings. It was at this stage that the High Court was approached by the appellant with the grievance that the Industrial Tribunal, having once decided to hear the matter as a preliminary issue, could not change its mind and decide to hear that issue along with other issues on merits. The High Court rightly refused to intervene in the proceedings pending before the Industrial Tribunal at an interlocutory stage and dismissed the petition filed under Article 226 of the Constitution. The decision of the High Court is fully in consonance with the law laid down by the Supreme Court in its various decisions.”

(ii). ***Maheswari Vs. Delhi Administration and Ors.*** (1983) 4 SCC

293 : 1983 SCC (L & S) 527 of which relevant paragraph is extracted

below:

“It was just the other day that we were bemoaning the unbecoming devices adopted by certain employers to avoid decision of industrial disputes on merits. We noticed how they would raise various preliminary objections, invite decision on those objections in the first instance, carry the matter to the High Court under Art. 226 of the Constitution and to this Court under Art. 136 of the Constitution and delay a decision of the real dispute for years, sometimes for over a decade. Industrial peace, one presumes, hangs in the balance in the meanwhile. We have now before us a case where a dispute originating in 1969 and referred for adjudication by the Government to the Labour Court in 1970 is still at the stage of decision on a preliminary objection. There was a time when it was thought prudent and wise policy to decide preliminary issues first. But the time appears to have arrived for a



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Writ Petition No.7554 of 2024

reversal of that policy. We think it is better that tribunals, particularly those entrusted with the task of adjudicating labour disputes where delay may lead to misery and jeopardise industrial peace, should decide all issues in dispute at the same time without trying some of them as preliminary issues. Nor should High Courts in the exercise of their jurisdiction under Art. 226 of the Constitution stop proceedings before a Tribunal so that a preliminary issue may be decided by them. Neither the jurisdiction of the High Court under Art. 226 of the Constitution nor the jurisdiction of this Court under Art. 136 may be allowed to be exploited by those who can well afford to wait to the detriment of those who can ill afford to wait by dragging the latter from Court to Court for adjudication of peripheral issues, avoiding decision on issues more vital to them. Art. 226 and Art. 136 are not meant to be used to break the resistance of workmen in this fashion. Tribunals and Courts who are requested to decide preliminary questions must therefore ask themselves whether such threshold part-adjudication is really necessary and whether it will not lead to other woeful consequences. After all tribunals like Industrial Tribunals are constituted to decide expeditiously special kinds of disputes and their jurisdiction to so decide is not to be stifled by all manner of preliminary objections journeyings up and down. It is also worth while remembering that the nature of the jurisdiction under Art. 226 is supervisory and not appellate while that under Art. 136 is primarily supervisory but the Court may exercise all necessary appellate powers to do substantial justice. In the exercise of such jurisdiction neither the High Court nor this Court is required to be too astute to interfere with the exercise of jurisdiction by special tribunals at interlocutory stages and on preliminary issues.

31. Therefore, considering from every angle, the petitioner has



Writ Petition No.7554 of 2024

made out a case that impugned orders passed in in IA.No.7 of 2024 in ID.No.30 of 2014, IA.No.4 of 2024 in ID.No.10 of 2017 dated 22.01.2024 by the Hon'ble Industrial Tribunal are without any merits, thereby the are liable to be interfered with and set aside.

32. Accordingly, this writ petition stands allowed, impugned order in IA.No.7 of 2024 in ID.No.30 of 2014, IA.No.4 of 2024 in ID.No.10 of 2017. There shall be no order as to costs.

26.04.2024

Speaking Order : Yes/No
Index Case : Yes/No
Neutral Citation : Yes/No
nst



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Writ Petition No.7554 of 2024

DR.D.NAGARJUN , J.
nst

Writ Petition No.7554 of 2024

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