



Tr. C.M.P. No. 563 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Tr. C.M.P. No. 563 of 2022

and

C.M.P. No. 9791 of 2022

Management of Sodecia India Pvt. Ltd.,
Rep., by its Managing Director,
Thapalmedu Village, Pukathurai Post,
Padalam viz, Madhuranthakam Taluk,
Kancheepuram District.

... Petitioner

Vs.

R. Koteeswaran

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw I.D. No. 50 of 2021 pending on the file of Labour Court, Kancheepuram and transfer the same to the file of the Labour Court at Chennai, for trial and disposal along with I.D. No. 442 of 2017 pending therein.

For Petitioner : Ms. V.M. Sreenidhi,
for M/s. Agam Legal Advocates

For Respondent : Mr. Karthikeyan



Tr. C.M.P. No. 563 of 2022

ORDER

WEB COPY This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw I.D. No. 50 of 2021 pending on the file of Labour Court, Kancheepuram and transfer the same to the file of Labour Court, Chennai and along with I.D. No. 442 of 2017.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the record.

3. Learned counsel for the petitioner submits that the petitioner company is a leading manufacturer of spare parts for cars at Pukkathurai Unit and Vanagaram Unit. The Company was earlier operating at three places namely Thoraipakkam, Pukkathurai and Vanagaram as Units 1, 2 and 3. The employees working in each units are governed by various settlement arrived at between the Company and workers of the respective units of the Company. In view of the recession in the Industrial Unit 1 of the petitioner company, Thoraipakkam unit was closed down. The respondent joined the service as Trainee Apprentice in the Unit 3 of the petitioner company in the



Tr. C.M.P. No. 563 of 2022

year 2006. Subsequently, on 01.10.2009, the respondent's service has been confirmed and he was appointed as Press Operator. The petitioner had a Unit 3 at Vanagaram, which falls with the territorial jurisdiction of this Court and another Unit 1 at Pukkathurai, which falls within the territorial competence of the Kancheepuram Labour Court. Subsequently, the petitioner transferred some machines to support the existing customers during the process of complete transfer of the Vanagaram unit to the Pukkathurai unit. In order to mitigate the loss caused to the employees at Vanagaram unit, the petitioner company offered Voluntary Retirement Scheme to the employees. The said VRS was in force from 24.07.2017 to 28.07.2017. The respondent is one amongst the workmen who did not opt for Voluntary Retirement Scheme. Therefore, the petitioner had no option left other than to retrench the workmen who denied VRS. The petitioner management issued a termination order dated 07.08.2017 terminating the respondent from the services of the petitioner company from the closing hours of 07.08.2017. Subsequently, the operations were suspended at Vanagaram unit on 08.08.2017.

4. Learned counsel further submits that 11 trainees who were working



Tr. C.M.P. No. 563 of 2022

in Vanagaram unit of the petitioner company were terminated from service by the Management against which industrial dispute was raised by the Union and the same is pending before the II Additional Labour Court, Chennai as I.D. No. 442 of 2017.

5. Learned counsel further submits that the respondent herein who is allegedly espousing the cause of some of the trainees of Vanagaram unit has challenged the termination order before the Labour Court at Kancheepuram in I.D. No. 50 of 2021. There is no semblance of jurisdiction in the Kancheepuram Court. Learned counsel further submits that the respondent was employed at Vanagaram unit throughout his service and he has not even worked at Pukkathurai unit to invoke the jurisdiction of the labour Court, Kancheepuram. Under these circumstances, it is appropriate and reasonable to transfer I.D. No. 50 of 2021 pending before the Labour Court, Kancheepuram to the Labour Court, Chennai to avoid multiplicity of litigation.

6. On the other hand, the learned counsel for the respondent submits



Tr. C.M.P. No. 563 of 2022

that they have no objection to transfer I.D. No. 50 of 2021 to the Labour Court, Chennai. But the learned counsel for the respondent submits that I.D. No. 252 of 2019 which was filed by some other workmen are pending in the Labour Court, Kancheepuram and requested to transfer the same to avoid multiplicity of litigation.

7. Having heard the contentions of the respective counsel, as respondent is also willing to transfer the I.D. No. 50 of 2021 and I.D. No. 252 of 2019, it is appropriate and reasonable to transfer these I.Ds from Labour Court, Kancheepuram to Labour Court, Chennai to be tried along with I.D. No. 442 of 2017 pending before the Labour Court, Chennai to avoid multiplicity of litigation and in the interest of justice.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the I.D. No. 50 of 2021 and I.D. No. 252 of 2019 pending on the file of Labour Court, Kancheepuram, is hereby withdrawn and transferred to the Labour Court, Chennai. The Labour Court, Kancheepuram shall transmit the entire record in I.D. No. 50 of 2021 and I.D. No. 252 of 2019 pending on its



Tr. C.M.P. No. 563 of 2022

file to the Labour Court, Chennai to be tried for joint trial along with I.D.

No. 442 of 2017, in the interest of justice.

9. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

31.07.2024

Index : Yes / No

Neutral Citation : Yes / No

AT

Note: Issue order copy within three days.

To

1.The Labour Court, Kancheepuram.

2.The Labour Court, Chennai.



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BATTU DEVANAND, J.

AT

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