



WEB COPY

W.P.No.32470 of 2023
and W.M.P.No.32081 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.32470 of 2023
and W.M.P.No.32081 of 2023

Dynamtic Technologies Ltd. (JKM automotives),
JKM Park, No.C-23, C-24, F-67, F-68,
SIPCOT Industrial Park,
Sriperumpudhur, Irungattukottai,
Kancheepuram District.

Now at,

JKM Plaza,

Dynamatic Acrotropolis

#55, KIADB Aerospace Park,

Devanahalli,

Bangalore - 562 110.

...

Petitioner

versus

United Labour Federation,
Represented by its Secretary,
C.J.Complex, 4th Floor,
No.149, Thambu Chetty Street,
Chennai - 600 001.

...

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records on the file of the Industrial Tribunal, Chennai and quash the impugned order dated 10.10.2023 made in I.A.No.99 of 2023 in I.D.No.23 of 2016.



For Petitioner : M/s.Bensi Rema
for M/s.King and Partridge

WEB COPY For Respondent : Mr.D.Christopher

ORDER

The Writ Petition has been filed challenging the order of the learned Presiding Officer, Industrial Tribunal, Chennai, made in I.A.No.99 of 2023 in I.D.No.23 of 2016 dated 10.10.2023.

2. Heard M/s.Bensi Rema, learned counsel for the petitioner and Mr.D.Christopher, learned counsel for the respondent and perused the materials available on record.

3. The Industrial Dispute Petition has been filed by the respondent on a reference to the Government Order made in G.O.(D).No.435 dated 21.07.2016 Labour and Employment (A2) Department. Since the Union did not come forward to file any claim statement but the Management has filed counter, the learned Presiding Officer has passed an order on the basis of the pleadings made by the Management and not by justifying the claim of the Union. In fact, the order has not passed on merits, but the order has been passed stating that the claim statement has not been filed by the union.



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4. After making such an observation, the learned Presiding Officer ought to have closed the Industrial Dispute. But it has been observed that the claim of the petitioner is not justified. In the absence of a claim statement, it is not possible for the Court to arrive at a finding as to the justification of the claim. It is only after a claim statement is filed by the respective Union or the worker, the Presiding Officer of the Tribunal can look into the merits of the matter and arrive at a finding as to the justification of the claim or not. So the learned Presiding Officer, who had set aside the above order have reasons to pass such an order in order to enable the parties to contest the matter on its merits.

5. Since the reference made by the Government has not been dealt in the manner known to law in view of the non-filing of any claim statement within time, an opportunity appears to have been given by way of passing the impugned order. Hence, I do not find any perversity in the order passed by the learned Presiding Officer, Industrial Tribunal, Chennai, in setting aside the order and allowing the parties to contest the matter on merits.



6. In the result, this Writ Petition is **dismissed**. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

The Presiding Officer,
Industrial Tribunal,
Chennai.



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R.N.MANJULA, J.

sri

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