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W.P.No.15299 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15299 of 2024
and
WMP.No.16622 of 2024

- 1.The Chairman & Managing Director
M/s.Bharat Electronics Limited
Outer Ring Road, Nagavara
Bangalore 560 045.
- 2.The General Manager -HR
M/s.Bharat Electronics Limited
Outer Ring Road, Nagavara
Bangalore 560 045.
- 3.The General Manager
M/s.Bharat Electronics Limited
Nandambakkam
Chennai 600 089.

... Petitioners

Vs.

- 1.The Secretary
BEL-TEX Employee Union
C/o.Bharath Electronics Ltd
Nandambakkam
Chennai 600 089.



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2.L.Singaravelu (P-in-P)

Plot No.26, 19th Cross Street
Padmavathy Nagar Extension
Madambakkam, Chennai 600 126.
9677004194.

**(R2- impleaded as per order dated
24.01.2025 in WMP.No.790/2025
in W.P.No.15299 of 2024)**

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the Central Government Industrial Tribunal-cum-Labour Court, Chennai in Miscellaneous Application No.1 of 2024 in I.D.No.30 of 2022 and quash its order dated 24.04.2024 and consequently direct the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chennai, to hear the Miscellaneous Application No.1 of 2024 in I.D.No.30 of 2022 filed by the petitioner on merits.

For Petitioners : Mr.S.Ravindran
Senior Counsel
for Mr.S.Bazeerahamed



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For Respondents : R1- Notice served
Mr.L.Singaravelu (P-in-P) for R2

ORDER

This Writ Petition is filed challenging the order passed by the Central Government Industrial Tribunal-cum-Labour Court, Chennai, dated 24.04.2024 made in M.P.No.1 of 2024 in I.D.No.30 of 2024. The entire order which is made in the said petition reads as follows:

“By reference No.L-14011/03/2022-IR (DU), dated 18.05.2022 which is read under:-

“Whether the demands raised by BEL-Text Employees' Union against the Management of M/s.Bharath Electronics Limited, Chennai on the issue of 12 charter of demands, (as per in Annexure A') are just and fair? If yes, what relief the workmen are entitled to?

Accordingly ID case No.30/2022 registered before the Tribunal.

During the pendency of matter on behalf of the respondent an application moved titled “Application under Sub-Section 2 (b) of Section 33 of the Industrial Disputes Act, 1947”.

Registered as Miscellaneous Application No.1/2024 arising out of ID 30/2022.



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To which claimant/workman filed objection titled as
“Objection by the Opposite Party under Section 2A
of Industrial Dispute Act 1947 (14 of 1947) to the Approval
Petition No.A.P.No.1 of 2024 filed by the above mentioned
Applicant Shri T.Sundar”

Shri V.M.Narayanan learned counsel for the
respondent after arguing at same length request that the
'Application under Sub Section 2 (b) of Section 33 of the
Industrial Dispute Act, 1947' to be dismissed as not pressed.

ORDER

Accordingly 'Application under Sub Section 2 (b) of
Section 33 of the Industrial Dispute Act, 1947' in question is
not pressed.”

2. Thus when this Court at the out set questioned
Mr.S.Ravindran, the learned Senior Counsel appearing on behalf of the
petitioners that after withdrawing the petition, how the Writ Petition is
maintainable, the learned Senior Counsel would submit that the withdrawal
was not a decision which was properly made and on the spot in the spur of
the moment the decision was made and the same is explained in paragraph
Nos.6 & 7 of the affidavit filed along with Writ Petition which reads as
follows:



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“6. On 24.04.2024, the approved petition filed by the third petitioner was taken up for hearing before the Central Government Industrial Tribunal-cum-Labour Court, Chennai. During the hearing, the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chennai took the view that the approval petition filed by the third petitioner was not maintainable and that therefore the counsel appearing for the third petitioner must withdraw the Miscellaneous Application No.1 of 2024 in I.D.No.30 of 2022. The counsel for the petitioner submitted that the approval petition was maintainable, and he also submitted copy of the written arguments with judgment which was refused to be received by the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chennai.

7. The Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chennai further threatened the counsel for the petitioners that he would impose cost of Rs.1 lakh on the petitioners if the aforesaid approval petition was not withdrawn. This was nothing but a coercion to which the counsel succumbed, and orders were passed stating that the approval petition is dismissed as not pressed. Certified copy of the order dated 24.04.2024 was issued to the petitioner on 29.04.2024.”



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3. Once the Tribunal records that the counsel has not pressed the

application and accordingly dismissed, the order of the Tribunal is only the record as far as this Court is concerned to determine what transpired in Court. If the petitioner management want to plead something else, they cannot do so directly before this Court. To that, the learned Senior Counsel replied that already an Interlocutory Application is filed on 25.04.2024. The same is not numbered. The Trial Court may be directed to number the said Interlocutory Application and dispose of the same on merits.

4. Per contra, the Workman appearing in person would submit that he has been dismissed from service and dismissal is totally unjustified. He is starving and his family is suffering. Earlier, in the previous Writ Petition direction has been given by this Court to dispose of the industrial dispute expeditiously inspite of which it is not disposed of. The management is adopting delaying tactics. The reasons mentioned in the affidavit are not correct. They withdrew the application. He is also pressing for a relief of payment of last drawn wages under Section 17B of the Industrial Disputes Act.



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5. As far as the prayer for wages under Section 17B is concerned, the same is not ordered for the following reasons;

(i) This is not a Writ Petition which is filed against an award ordering reinstatement of the Workman;

(ii) Secondly, this Court is disposing of the main Writ Petition itself by this order.

6. As far as the grievance of the Workman that he is suffering is concerned, already the direction is given to dispose of the MP.No.1 of 2024. The same is now dismissed as withdrawn. But as far as the grievance expressed by the Workman is concerned, it can be redressed by directing the Industrial Tribunal to consider the main industrial dispute itself as expeditiously as possible. As far as the primary grievance expressed by the management is concerned, I am of the view that the order passed as such cannot be interfered by this Court. But however, if they want to plead some other factor, with transpired before the Court, they have to plead before the



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same Court and get a finding. In that view of the matter, it is seen that already an Interlocutory Application is filed on 25.04.2024.

7. As far as the application is concerned, it is pleaded that the Tribunal did not even receive the said application. When the management files any application, it may even be that the application itself is vexatious or even not maintainable. But the same has to be received by the Tribunal and orders rejecting it or numbering or disposing the same on merits have to be passed. The same cannot be refused to be received. It is stated that the said application has been sent by post. This Court is not expressing any opinion on the said application on its merits.

8. In view thereof, this Writ Petition is disposed of on the following terms;

(i) The Writ Petition challenging the order dated 24.04.2024 passed by the Central Government Industrial Tribunal/Labour Court, Chennai, made in Miscellaneous Application in M.P.No.1 of 2024 in ID.No. 30 of 2022 cannot be entertained by this Court as the order reads that the application is not pressed;

(ii) With reference to the grievance as to what



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transpired before the Court, unless a finding is given by the self same Court, this Court has to take the impugned order as proof of what transpired before the Court. Since an application is said to have been filed and it is submitted that the same was not received and sent in by post, as and when the Presiding Officer is appointed or the incharge Presiding Officer sits in the Industrial Tribunal-cum-Labour Court, Chennai, a memo along with present order shall be presented by the management upon which the Labour Court can take up the copy of the Interlocutory Application which is sent by post and pass appropriate orders thereon. It would be open for the Labour Court-cum-Industrial Tribunal to pass orders thereon in accordance with law and this Court is not expressing any opinion on the said application;

(iii) In view of the grievance expressed by the Workman, the industrial dispute shall be taken up for disposal as expeditiously as possible in any event not later than three months from the date of production of the copy of the order;

(iv) Further, not only the present Workman is suffering, every other litigant is also suffering and therefore a copy of this order is marked to **“The Secretary, Ministry of Labour and Employment, Government of India, Shram Shakthi**



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Bhawan, 5, Rafi Marg, Block G6, Sansad Marg Area, New Delhi, Delhi– 110 001” and he is requested to consider the issue of appointing Presiding Officer to the Central Government Industrial Tribunal-cum-Labour Court and the appointment shall be made as expeditiously as possible and it is made clear that this Court itself is flooded with so many applications and the Writ Petitions on account of the absence of the regular Presiding Officer. Therefore, expeditious steps may be taken on the part of the Central Government also to appoint the Presiding Officer on any basis;

(v) On the basis of the dismissal of the approval if the Workman pleads for his salary or any other benefits, he shall also approach the Industrial Tribunal, that shall also be considered by the Tribunal.

(vi) No costs. Consequently, connected Miscellaneous Petition is closed.

24.01.2025

Neutral Citation : No
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To

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

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- 2.The Secretary, Ministry of Labour and Employment,
Government of India, New Delhi.
- 3.The Additional Solicitor General of India, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.

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and
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24.01.2025