



WEB COPY

W.A.No.2024 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

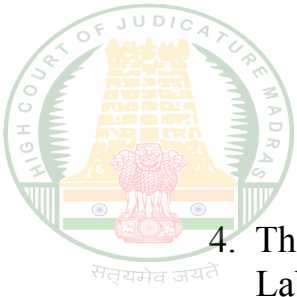
Writ Appeal No. 2024 of 2025
and CMP No.15193 of 2025

MRF Thozhilalar Sangam
Rep. By its General Secretary,
Regn. No.1278/RTU/2001
No.37, Sithi Vinayagar Koil Street,
Nathamedu, Melapattapakkkam Post,
Panruti Taluk, Cuddalore District 607 104.

... Appellant

Vs.

1. Madras Rubber Factory Limited (MRF)
Rep. By its Authorised Signatory/General Manager,
Mr.Jose Alphonse Eripakkam Village,
Nerrapakkal Commune Panchayat,
Pondicherry 605 106.
2. Union Of India,
Rep. By the Secretary to the Government,
Labour Department,
Puducherry.
3. The Commissioner of Labour,
Cum-Certifying Officer,
For the Union Territory of Puducherry
Under the Industrial Employment (Standing Orders) Act 1946.



WEB COPY

4. The Labour Officer (Conciliation),
Labour Department,
Puducherry.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the common order passed in WP No. 19348 of 2025 dated 28.05.2025.

For Appellant : Mr.V.Prakash, Senior Counsel
for Mr.Gokul S

For Respondents : Mr.Anand Gopalan, for R1

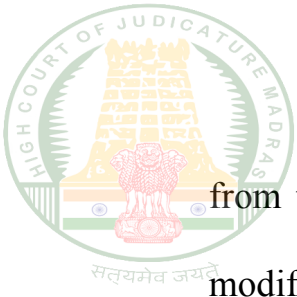
Mr.R.Sreedhar, for RR2 to 4

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the order of the learned Single Judge dated
28.05.2025 made in WP No.19348 of 2025.

2. The said Writ Petition was filed by the Management challenging
the order of the Certifying Authority under the Industrial Employment
(Standing Orders) Act, 1946 dated 07.05.2025. Altering the clause relating
to superannuation and permitting increase of the age of retirement to 58



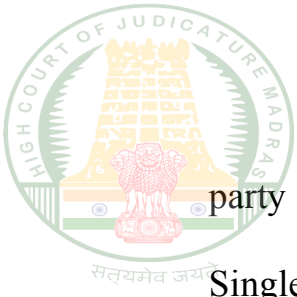
from the existing 55. Unfortunately, the Union which had sought for the modification was not made a party to the Writ Petition.

WEB COPY

3. The Writ Court referred to a 12(3) settlement between the parties dated 13.12.2024 and concluded that this specific demand for increase in the age of retirement was given up by the workman and therefore, there cannot be a modification.

4. Mr.V. Prakash, learned Senior Counsel appearing for the appellant Union would vehemently contend that an order favourable to the workman had been passed at the instance of the Union by the Certifying Authority and therefore, the Writ Court ought not to have interfered with the order without hearing the Union or the employees. It is also his further contention that in all the other factories of this Management, the age of retirement is only 58.

5. Mr.Anand Gopalan, learned counsel appearing for the respondent Management would, while conceding that the Union must have been made a



party to the Writ Petition, plead that instead of remitting the matter to the Single Judge, the matter can be remitted to the Authority for the following reasons:

6. The Enquiry was conducted on 21.03.2025 by one Mr.Sandira Kumaran, but order came to be passed by the Certifying Authority Mr.Y.L.N.Reddy. A more serious flaw pointed out by Mr.Anand Gopalan is that the Officer who had signed the impugned proceedings as the Certifying Authority on 07.05.2025 was transferred from that post even on 05.05.2025. Proceedings of the Ministry of Home Affairs, Government of India have been placed before us which shows that Mr.Y.L.N.Reddy, who was the Certifying Authority was transferred to Mizoram from Puducherry with immediate effect on 05.05.2025. Therefore, he ought not to have issued the order on 07.05.2025 when he was not holding that post.

7. Considering the fact that the Union was not made a party to the Writ Petition, we do not propose to go into the merits of the issue. But the facts that are brought to our notice by the learned counsel for the



WEB COPY

Management are quite disturbing. An Indian Administrative Service Officer, who has been transferred out with immediate effect, had chosen to sign an order two days after his transfer. This, in our considered opinion, cannot be justified at all.

8. We therefore set aside the orders of the learned Single Judge on the ground that it was done without notice to the Union and the orders of the Certifying Authority on the ground that the Authority, who signed the order, ceased to hold office on the day on which he had signed the order. The entire dispute in modification of Order No.1 of 2025 will stand remitted to the Certifying Authority, viz. the third respondent in the Appeal and he will decide the issues afresh without being influenced by any of the observations made by us in this order or by the learned Single Judge or by the earlier Certifying Authority in the orders dated 28.05.2025 and 07.05.2025 respectively. It is made clear that the Certifying Authority shall hear the parties and not any other Subordinate Officer. The Certifying Authority will pass orders within a period of three months from the date of receipt of a copy of this order.



WEB COPY

9. The Writ Appeal is disposed of with the above observations. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
02.07.2025

jv

Internet : Yes
Index : No
Neutral Citation : No
Speaking order

To

1. The Secretary to the Government,
Union Of India,
Labour Department,
Puducherry.
2. The Commissioner of Labour,
Cum-Certifying Officer,
For the Union Territory of Puducherry
Under the Industrial Employment (Standing Orders) Act 1946.
3. The Labour Officer (Conciliation),
Labour Department,
Puducherry.



WEB COPY

W.A.No.2024 of 2



R.SUBRAMANIAN, J.
and
K.SURENDER, J.

jv

Writ Appeal No. 2024 of 2025

02.07.2025