



Tr.C.M.P.No.554 of 2025
and C.M.P.No.13571 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No.554 of 2025

and

C.M.P.No.13571 of 2025

R.Meganathan

... Petitioner

Vs

Kwang Sung Brake India Private Limited,
Rep. by its Managing Director,
No.49, Vengadu Village, Sriperumbudur Taluk,
Kancheepuram District – 602 105.

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw the A.P.No.1 of 2024 pending on the file of the Labour Court, Kancheepuram and transfer the same to the file of Industrial Tribunal, Chennai, to be heard together along with Complaint No.3 of 2023.

For Petitioner : Mr.M.Udhayasuriya

For Respondent : Mr.Patrick Ryan (Caveator)



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ORDER

The petitioner / workman has preferred the petition seeking transfer of A.P.No.1 of 2024 in I.D.No.85 of 2022 pending on the file of the Labour Court, Kancheepuram and transfer the same to the file of Industrial Tribunal, Chennai, to be heard together along with Complaint No.3 of 2023.

2. Heard the learned counsel on both sides.

3. The learned counsel appearing for the petitioner/workman submits that the petitioner was illegally terminated from service on 23.03.2023 by the respondent Management. The Management had filed approval petition in A.P.No.1/2024 before the Labour Court, Kancheepuram under Section 33(2) (b) of the Industrial Disputes Act, 1947, seeking approval for the petitioner's dismissal from service dated 23.03.2023. The learned counsel would further submit that filing an approval petition is mandatory pre-condition under Section 33(2)(b) of the Industrial Disputes Act, 1947, if there are any industrial disputes pending before the authority involving the respective workman. The



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learned counsel further submits that at the time of dismissal from service, there was another Industrial Dispute pending on the file of the Industrial Tribunal at Chennai in O.P.No.31/2020. The respondent Management ought to have filed an application for approval under Section 33(2)(b) before the Industrial Tribunal, Chennai. However, the same was not complied with. Therefore, the petitioner / workman was constrained to raise a complaint under Section 33A of the Industrial Disputes Act before the Tribunal, which was being heard as Complaint No.3/2023. The learned counsel further would submit that in the said Complaint No.3/2023, the Industrial Tribunal on 18.09.2024 has observed thus :

“..... on hearing arguments on maintainability there were concerns raised on if and only if the compliant survives before this Tribunal whether adjudication on fairness of enquiry etc. will invite parallel adjudication. Hence the matter was listed today for hearing. No submission made today by petitioner counsel”

and by indicating the above observation made by the learned Industrial Tribunal in order to avoid the parallel adjudication. The approval petition pending on the file of the Labour Court, Kacheepuram has to be transferred to the file of the Industrial Tribunal, Chennai, to be heard



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WEB COPY together along with Complaint No.3 of 2023, if the petition is not allowed, it will cause serious prejudice to the petitioner / workman.

4. *Per contra*, the learned counsel appearing for the respondent Management would submit that A.P.No.1/2024 pending on the file of the Labour Court, Kacheepuram, is in part-heard stage and there is no necessity to hear A.P.No.1/2024 pending on the file of the Labour Court, Kacheepuram, along with the Complaint No.3/2023 which is pending on the file of the Industrial Tribunal, Chennai. There is no reason warrants to transfer the application pending on the file of the Labour Court, Kacheepuram to Industrial Tribunal at Chennai.

5. It is seen from the records that the petitioner, who is the workman of Kwang Sung Brake India Private Limited, through United Labour Federation, represented by its Secretary, registered No.2657/CNI, has preferred the claim petition on behalf of the petitioner Union in O.P.No.31/2020 and the same is pending on the file of the Industrial Tribunal at Chennai. The workman / United Labour Federation,



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represented by its Secretary, have filed a industrial dispute petition in I.D.No.85/2022 on the file of the Labour Court, Kancheepuram, wherein the management has preferred the approval petition in A.P.No.1/2024 in I.D.No.85/2022, pending on the file of the Labour Court, Kancheepuram. Similarly, the petitioner / workman has preferred a complaint before the industrial dispute in C.No.3/2023 in O.P.No.31/2020. The reason stated in the affidavit filed by the petitioner is that in order to avoid parallel adjudication as pointed out by the Industrial Tribunal dated 18.09.2024, the case has to be transferred. It is to be noted that the purpose of Section 24 of CPC is merely to confers on the court discretionary power. Section 24 of CPC does not prescribe any specific ground ordering the transfer of case. Therefore, the court must act judicially in ordering a transfer. The petitioner's has not made out a case to transfer the case from the file of Labour Court, Kancheepuram to the file of Industrial Tribunal, Chennai. The reason stated in the affidavit are not sufficient.

6. Accordingly, the Transfer Civil Miscellaneous Petition is



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WEB COPY dismissed. No costs. Consequently, connected Civil Miscellaneous
Petition is closed.

09.10.2025

mtl

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The Labour Court, Kancheepuram.
2. The Industrial Tribunal, Chennai.

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