



WEB COPY

WP No. 27260 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

WP No. 27260 of 2025

and WMP.Nos.30647, 35410 & 30648 of 2025

M/s.Bharat Heavy Electricals Limited

Rep by its Executive Director

Thiruchiraplli 620 014

Petitioner(s)

Vs

1. K Balu

2.The Presiding Officer

Central Government Industrial Tribunal

cum Labour Court Shastri

Bhavan,Chennai

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of Constitution of India seeking Writ of Certiorarified Mandamus to call for the entire records relating to the Docket Order dated 07.07.2025 passed by the 2nd Respondent in I.D.No.62 of 2013 and quash the same and consequently direct the CGIT, Chennai to allow the petitioner to engage the legal practitioner in pending dispute in I.D. No. 62 of 2013 on the file of Central Government Industrial Tribunal Cum Labour Court, Chennai.

For Petitioner(s): Mr.N.Nithianandam

For Respondent(s): R1 - Mr.K.Balu (p - In - P)



ORDER

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This Writ Petition is filed seeking to quash the docket order dated 07.07.2025 passed by the second respondent in ID.No.62 of 2013 and for consequential directions to the CGIT, Chennai to allow the petitioner to engage a legal practitioner in pending dispute in I.D.No.62 of 2013 on the file of the Central Government Industrial Tribunal cum Labour Court, Chennai.

2. The petitioner, a Public Sector Unit, is aggrieved by the order passed by the Industrial Tribunal. The first respondent, an employee of the petitioner, was dismissed from service in the year 2012 and approached the Industrial Tribunal vide I.D.No.62 of 2013. The Industrial Tribunal initially directed the petitioner to reinstate the first respondent.

3. The petitioner challenged the order of reinstatement before this Court in Writ Petition Nos. 913 and 914 of 2015, which were dismissed. The petitioner then filed Writ Appeal Nos.1508, 1512 and 1515 of 2022, and the



Hon'ble Division Bench of this Court, by order dated 09.06.2023, set aside the orders of the Tribunal, permitting the petitioner to lead evidence.

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4. During the proceedings before the Industrial Tribunal, the petitioner sought to engage the services of an Advocate. However, the first respondent raised an objection under Section 36(3) of the Industrial Dispute Act, which prohibits a party from engaging a legal practitioner without the consent of other party.

5. The learned counsel for the petitioner submitted that the first respondent had earlier given consent for the petitioner to engage a legal practitioner, relying on an order dated 07.01.2025, which directed the petitioner to pay Rs.3,000/-. However, the said order does not specifically mention that the consent was given for engaging a legal practitioner.

6. This Court finds that Section 36(4) of the Industrial Dispute Act, requires consent in writing from the opposite party for engaging a legal



practitioner, and such consent should be recorded by the Industrial Tribunal.

Since, there is no written consent or order reflecting the same, this Court does

not find any error in the order passed by the Industrial Tribunal on 07.07.2025.

7. With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20-08-2025

Jai

To

1.K Balu
Son of P.Kandasamy, No.19, First Main
Street, Muthamizh Nagar, Katpadi,
Vellore- 632 007.

2.The Presiding Officer
Central Government Industrial Tribunal
cum Labour Court Shastri
Bhavan, Chennai



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K.SURENDER J.

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