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W.P.No.47257 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.47257 of 2025

&

W.M.P.No.52794 of 2025

United Labour Federation

Represented by its Secretary D.Ramesh

Regn. No. 2657/CNI

4th floor, C.J. Complex

No. 149, Thambu Chetty Street

Chennai - 600 001.

.. Petitioner

Vs.

1. Union of India

Represented by its Secretary

Ministry of Labour and Employment

Shram Shakti Bhawan, Rah Marg

New Delhi -110 001.

2. Government of Tamil Nadu

Represented by its Secretary

Department of Labour and Skill Development

Fort St. George

Chennai - 600 009.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration declaring the Impugned Notification bearing Reference No. S.O. 5320(E), issued by the Ministry of Labour and Employment, dated 21.11.2025 ULTRA VIRES the provisions of the Industrial Relations Code, 2020 as well as being violative of Articles 14 and 21 of the Constitution of India.

For Petitioner	: Mr.V.Prakash Senior Counsel For Mr.S.Karupasamy
For Respondents	: Mr.AR.L.Sundaresan Additional Solicitor General Assisted by Mr.R.Rajesh Vivekanandan Deputy Solicitor General for Respondent-1 Mr.A.Edwin Prabakar State Government Pleader for Respondent-2

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed seeking issuance of declaration to the effect that the notification bearing Reference No.S.O.5320(E),



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issued by the Ministry of Labour and Employment, dated 21.11.2025, is ultra vires the provisions of the Industrial Relations Code, 2020 as well as being violative of Articles 14 and 21 of the Constitution of India.

2. The case of petitioner, as projected in the writ petition, is that though notification has been issued on 21.11.2025 appointing 21st day of November, 2025 as the date on which the provisions of the Code shall come into force, even without there being any alternative adjudicatory forum created and operated under the new Code, the Labour Courts and Tribunals, functioning under respective enactments referred to in Section 104(1) of the Industrial Relations Code, have stopped functioning, leaving the management and workman without any adjudicatory forum.

3. Learned counsel for first respondent has placed before this Court a notification dated 08.12.2025 which reads as under:



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“MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 8th December, 2025

S.O.5683(E).- Whereas, section 104 of the Industrial Relations Code, 2020 (35 of 2020) (hereafter in this Order referred to as the said Code) provides that in the notification issued under sub-section (3) of section 1 for the commencement of any provisions of the Code, the Central Government may specify that the provisions of the Acts specified in clauses (a) to (c) shall stand repealed with effect from the date appointed in the said notification and the remaining provisions of the said Acts referred thereto shall remain in force till they are repealed by like notification in the like manner;

And whereas, vide notification number S.O. 5320(E), dated 21st November, 2025, published in the Gazette of India, the provisions of the said Code have been brought into force with effect from the 21st day of November, 2025 and the said notification did not expressly repeal any of the Acts specified in sub-section (1), as required for the purpose of section 104;

And whereas, sub-section (1) of section 51 of the said Code provides that, on and from the date of commencement of the said Code, the cases pending immediately before such commencement-

(a) in the Labour Court and the Tribunal constituted



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under the Industrial Disputes Act, 1947, shall be transferred to the Tribunal having corresponding jurisdiction under this Code;

- (b) in the National Tribunal constituted under the Industrial Disputes Act, 1947 shall be transferred to the National Industrial Tribunal having corresponding jurisdiction under this Code;*

And whereas, sub-section (2) of said section 51 provides that the cases so transferred under sub-section (1) to the Tribunal or the National Industrial Tribunal shall be dealt with de novo or from the stage at which they were pending before such transfer, as it may deem fit.

Now, therefore, in exercise of the powers conferred by section 103 of the said Code, the Central Government, hereby makes the following Order, namely;-

- 1. Short title and commencement.- (1) This Order may be called the Industrial Relations Code (Removal of Difficulties) Order, 2025.*
- (2) It shall come into force with effect from the 8th day of December 2025.*

2. For the removal of difficulties, it is hereby clarified that the existing Labour Courts, Industrial Tribunals and National Industrial Tribunals constituted under the Industrial Disputes Act, 1947 (14 of 1947) shall continue to adjudicate the existing as well as new cases, for the purpose of ensuring



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continuity of adjudication and avoiding any legal or administrative vacuum until the constitution of Industrial Tribunals and National Industrial Tribunals under the Industrial Relations Code, 2020.”

4. From Clause (2), it is clear that the existing Labour Courts, Industrial Tribunals and National Industrial Tribunals constituted under the Industrial Disputes Act, 1947 shall continue to adjudicate the existing as well as new cases, for the purpose of ensuring continuity of adjudication and avoiding any legal or administrative vacuum until the constitution of Industrial Tribunals and National Industrial Tribunals under the Industrial Relations Code, 2020.

5. In view of the above, it is apparently clear that all the adjudicatory forums, which were functioning before the date of issuance of notification, shall continue to function.

6. A copy of this order be circulated to all the Industrial Tribunals and Labour Courts of this State.



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7. Petition is disposed of. There shall be no order as to costs.

Consequently, the interim application is closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
09.12.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Secretary
Ministry of Labour and Employment
Shram Shakti Bhawan, Rah Marg
New Delhi -110 001.
2. The Secretary
Department of Labour and Skill Development
Fort St. George
Chennai - 600 009.
3. The Registrar General
High Court
Madras.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(kpl)

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