



Tr.C.M.P.No.320 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2026

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.320 of 2025

and

C.M.P.No.7149 of 2025

The Secretary
United Labour Federation,
4th Floor, C.J. Complex, No.149,
Thambu Chetty Street, Chennai – 600 001.

... Petitioner

Vs.

The Management
The Professional Couriers, No.32, Thiru Vi Ka Road,
Royapettai, Chennai – 600 014.

... Respondent

Prayer in Tr.C.M.P. No.320 of 2025: Petition filed under Section 24 CPC to withdraw O.P. No.184 of 2023 pending on the file of the Principal Labour Court, Chennai and transfer the same to the file of the Industrial Tribunal at Chennai, for trial and disposal.

Prayer in C.M.P. No.7149 of 2025: Petition filed under Section 151 CPC to stay all further proceedings in O.P. No.184 of 2023 pending on the file of the Principal Labour Court, Chennai, pending disposal of the Tr.C.M.P.

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



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For Respondent : Mr.M.Mubarak Ahmed for
M/s.Ahmed Associations.

ORDER

Heard.

2. The petitioner–Union has filed the present Transfer Civil Miscellaneous Petition seeking withdrawal of O.P. No.184 of 2023 from the file of the Principal Labour Court, Chennai and transfer of the same to the file of the Industrial Tribunal, Chennai.

3. In the affidavit, the petitioner states that the dispute pertains to wages and that the Industrial Tribunal alone would have jurisdiction as per Section 10 (1) (d) of the Industrial Dispute Act, 1947, since the number of employees/workmen involved is more than 100.

4. Though this petition has been listed under the caption ‘For orders’, there is no representation for the petitioner today, although the learned Senior Counsel was heard in the previous hearing.



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5. On perusal of the records, this Court is constrained to examine this case on maintainability. It is seen that the transfer sought is not from one Civil Court to another Civil Court, but from a Labour Court to an Industrial Tribunal (both statutory adjudicatory fora under labour legislation). The petition itself is styled as one under Section 24 CPC.

6. Under the Section 33-B(1) of Industrial Disputes Act, 1947, and Section 92(1) of Industrial Relations Code, 2020 which expressly provides that the appropriate Government may, by order in writing and for reasons to be stated therein, withdraw a proceeding pending before a Labour Court/Tribunal and transfer the same to another Labour Court/Tribunal, with liberty to proceed de novo or from the stage at which it was transferred. The statutory provision itself is reproduced therein, making it clear that the transfer power is conferred on the appropriate Government.

7. The Supreme Court in **Management of M/S M.S Nally Bharat Engg.Co.Ltd v. State of Bihar & ors [1990] 1 S.C.R** has held that the power under Section 33-B is not a mere administrative power, but quasi-judicial, and the appropriate Government cannot transfer a case on the basis of representations of



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one party without giving reasonable opportunity to the other party.

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8. The Punjab & Haryana High Court, in *Technological Institute of Textile vs Labour Court and ors* dated 14.02.1969 reported in (1970) ILLJ 188 P&H has emphasised that the power vested in the State Government to withdraw a pending case from the file of a Labour Court/Tribunal is an extraordinary power, requiring a speaking order of transfer which is mandatory under Section 33-B(1) of Industrial Disputes Act, 1947 .

9. In the light of the above, when the statute specifically vests the power of withdrawal/transfer of industrial adjudication proceedings in the appropriate Government, the same cannot be sought to be achieved by invoking Section 24 CPC or Section 151 CPC before this Court. Therefore, the Transfer Civil Miscellaneous Petition is not maintainable, and no relief can be granted in the manner prayed for.

10. Accordingly, Tr.C.M.P. No. 320 of 2025 is dismissed.



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The interim stay granted by this Court on 24.03.2025 shall stand vacated and

C.M.P. No. 7149 of 2025 is closed. There shall be no order as to costs.

20.01.2026

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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Principal Labour Court,
Chennai.

2.The Industrial Tribunal,
Chennai.



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DR. A.D. MARIA CLETE, J

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