

HON'BLE MR JUSTICE N.V. RAMANA

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W.P.No.8168 of 2005

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Date: 31.08.2006

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Between:

Express Publications (Madurai) Ltd.
Behind Blue Moon Hotel, Begumpet
Hyderabad (Sri R.K. Jhunhunwala,
Deputy General Manager)

... Petitioner

And:

Industrial Tribunal-I, Chandravihar Building
M.J. Road, Nampally, Hyderabad & 2 others

... Respondents

HON'BLE MR JUSTICE N.V. RAMANA

W.P.No.8168 of 2005

ORDER:

This writ petition has been filed for Mandamus restraining the first respondent-Industrial Tribunal from adjudicating the proceeding with the trail of the Industrial Dispute No.1 of 2003.

The short contention raised in this writ petition is that as per Section 17(2) of the Working Journalists and other Newspaper Employees (Conditions of service) and Miscellaneous Provisions Act, 1955, the State Government has to refer the dispute to the Labour Court, whereas the contention raised by the learned counsel for the respondents is that as per Section 7 (A) of the Industrial Disputes act, 1947, the dispute has to be decided by the Industrial Tribunal.

When the matter came up for hearing, the learned counsel for the petitioner submitted that the subject matter in this writ petition is squarely covered by the orders of this Court in W.P.No.18647 of 2004 dated 3.8.2005. Learned Counsel for the respondents also conceded the same. The operative portion of the said order, reads as under:

“Without entering into the merits, it is to be seen whether the issue involved in this writ petition or the subject matter, which has been referred to by the Government, is to be triable by the Industrial Tribunal or the Labour Court. But, the third respondent is having powers to transfer the dispute under Section 33(B) of the I.D. Act. It is not

disputed before this Court that the Additional Industrial Tribunal cum Labour Court is having both the powers of territorial jurisdiction and power to deal with the subject matter in dispute.

Therefore, without expressing any opinion, the third respondent-Government is directed to exercise its power under Section 33(B) of the I.D. Act in transferring the proceedings from the file of the Industrial Tribunal-I, Hyderabad to the file of the Additional Industrial Tribunal cum Labour Court. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The Government is directed to pass appropriate orders in conducting the case from the stage where it was stopped in the Industrial Tribunal.

Since the Government is a proforma party and it can exercise its powers under Section 33(B) of the I.D. Act, the direction was given."

Hence, following the orders of this Court in W.P. No. 18647 of 2004, dated 03.08.2005, the present writ petition is also disposed of with the same direction.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 31.08.2006

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