

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6310/2006

(From the judgement and order dated 20/03/2006 in WA No. 354/2006 & WA No. 355/2006 & WA No. 356/2006 of The HIGH COURT OF MADRAS)

MANAGEMENT OF M/S. T.V.S. MOTOR CO. LTD.

Petitioner(s)

VERSUS

STATE OF TAMIL NADU & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 17/04/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. P.P. Rao, Sr.Adv.

Mr.S. Ravindran, Adv.

Mr. T. Harish Kumar,Adv.

For Respondent(s) Mr. Shivaji M. Jadhav,Adv.

UPON hearing counsel the Court made the following

O R D E R

The petitioner has challenged the reference of the following

two disputes under Section 10 of the Industrial Disputes Act, 1947:

.2000
sued by
for
"Whether the order dated 16.8
transferring P. Anil Kumar from Hosur to Ghaziabad is
the Management was done for administrative reasons or
ulterior motive"

f the
of P. Anil
to his
"Whether or not the order o
Management dated 18.12.2002 holding that by the act
Kumar not going on transfer to Ghaziabad would amount
having left the service and thereby his employment came to an end
is valid in law"

:2:

According to the learned counsel appearing on behalf of the petitioner the
dispute arising out of an order of transfer could not be raised by a
n individual
workman under the Industrial Disputes Act under Section 2(k) of the Act. The learned
counsel for the respondent submitted that though this might have been co
rrect if the
dispute only related to a transfer order but in this particular case by reason of non-
compliance with the transfer order, the termination of service had followe
d. The
termination had been challenged and the respondent could raise a dispute relati
ng to
the transfer as the latter was connected with the termination under Sectio
n 2A of the
Act.

In our opinion, the submission of the respondent
is correct.

While an individual workman could not have raised an industrial dispute limited to an

order of transfer alone, nevertheless the dispute could be raised if such proceedings are connected with a dispute relating to the termination of services and would be covered by Section 2A of the Act.

By reason of the pending litigation the time fixed by the High Court for the Industrial Disputes fora to decide the issue has expired. We therefore, dispose of the special leave petition by extending the time by a period of three months from date.

(Usha Bhardwaj)

Court Master

(Madhu Saxena)

Court Master