

(1957) 04 MAD CK 0031
In the Madras High Court

In Re: Paramount Films of India, Ltd., Madras Branch

Date of Decision : 15-04-1957

Acts Referred:

Constitution of India, 1950 — Article 226
Industrial Disputes Act, 1947 — Section 10(1)(c), 10(r)(c)

Citation : (1957) 2 MLJ 357

Hon'ble Judges : Rajagopalan, J

Bench : Single Bench

Judgement

Rajagopalan, J.—This is a petition under Article 226 of the Constitution for the issue of a writ of certiorari to set aside a reference made by the Government u/s 10(1)(c) of the Industrial Disputes Act, 1947.

2. It has been consistently held by this Court that an order u/s 10(r)(c) of the Act is only administrative in its scope and is therefore outside the purview of correction by the issue of a writ of certiorari. There cannot be a writ of prohibition either directed to the Industrial Tribunal. It is open to the petitioner to raise the question he has raised here, that there was in law no industrial dispute at all for adjudication, even as a preliminary issue, by the Industrial Tribunal. The Industrial Tribunal has to decide such a jurisdictional issue in the first instance; If the Industrial Tribunal arrives at a wrong decision, the aggrieved person will be entitled to challenge the validity of such a decision by an application for the issue of a writ of certiorari. As I said, the order the petitioner seeks to avoid is, the order of reference u/s 10(1)(c) of the Industrial Disputes Act, 1947 and for that no application for the issue of a writ of certiorari can lie.

3. The petition is dismissed.