
(1957) 04 MAD CK 0011
In the Madras High Court
Case No : Writ Petition No. 287 of 1957

K.P. Subbiah

APPELLANT

Vs

State of Madras and Others

RESPONDENT

Date of Decision : 15-04-1957

Acts Referred:

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

Citation : AIR 1959 Mad 202 : (1958) 2 MLJ 611

Hon'ble Judges : Rajagopalan, J

Bench : Single Bench

Advocate : R. Gopalaswami Aiyangar, for the Appellant;

Final Decision : Dismissed

Judgement

Rajagopalan, J.—The petitioner applies under Articles 226 of the Constitution for the issue of a writ of Prohibition to restrain the Industrial

Tribunal, Madras, from proceeding with the adjudication of the industrial dispute registered as I. D. No. 16 of 1957 on its file. The industrial

dispute was taken on file by the Industrial Tribunal on a reference u/s 10(1)(c) of the Industrial Disputes Act, 1947. That reference being

administrative in its scope, is outside the purview of correction by the issue of a writ of certiorari.

Since an industrial dispute has been referred & the Industrial Tribunal has jurisdiction to take up the enquiry, there can be no writ of prohibition

issued at this stage. It is for the Industrial Tribunal to decide, in the first instance, whether there was an industrial dispute at all. In deciding that

question, it may be necessary to decide whether the plea of the petitioner is well founded that the workers are not really ""workmen"" as defined by

the Industrial Disputes Act, 1947. This may be viewed as a juris fictional issue; but it is still for the Industrial Tribunal to decide that question in the first instance.

2. The petition is dismissed.