

Parvathi Mills, Unit of Ntc Ltd. Vs. Quilon Hotel and Tea Shop Workers Union (intuc) and anr.

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Court : Kerala

Decided On : Jun-26-2000

Reported in : [2000(86)FLR469]; (2000)IILLJ530Ker

Judge : J.B. Koshy, J.

Acts : [Industrial Disputes Act, 1947](#) - Sections 36(4)

Appeal No. : O.P. No. 25786/1999

Appellant : Parvathi Mills, Unit of Ntc Ltd.

Respondent : Quilon Hotel and Tea Shop Workers Union (intuc) and anr.

Advocate for Def. : B. Raghunandanan and; H.B. Shenoy, Advs.

Advocate for Pet/Ap. : U.K. Ramakrishnan and; P.V. Lohithakshan, Advs.

Disposition : Petition dismissed

Judgement :

J.B. Koshy, J.

1. Ext. P1 is the reference order referring an issue for adjudication to the Industrial Tribunal, Quilon. The above reference was numbered as I.D. No. 30/1998.

Originally the dispute was posted on January 15, 1999. Advocate for the company entered appearance on that day, but Union was not present. The Union appeared for the first time on February 12, 1999 and filed objection in an advocate appearing for the company in the case. By Ext. P4 order objection was accepted. In view of the objection the Industrial Tribunal found that management cannot be represented by a lawyer. It is the contention of the management that since the Union did not object appearance of the lawyer for the management at the first date of posting, there is implied consent and hence Ext. P4 is illegal.

2. For the first time the Union entered appearance on February 12, 1999 and on that day itself the Union objected. Therefore, it cannot be stated that Union has given implied consent when Union was absent. The Industrial Tribunal has correctly considered the matter and held in favour of the Union. Since the Union has objected on the very first day of its appearance in Court, the management cannot engage an advocate in view of the clear provisions under Section 36(4) of the Industrial Disputes Act.

Therefore, the original petition is dismissed.

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