

## Madras High Court clarifies continuance of existing labour courts and industrial tribunals under the Industrial Disputes Act, 1947

In the recent case of *United Labour Federation vs. Union of India and Anr.*<sup>1</sup>, the Division Bench of the Madras High Court ("**Madras HC**") disposed of a writ petition filed under Article 226 of the Constitution of India, 1950 ("**Constitution**") which sought to declare the notification<sup>2</sup>, issued by the Ministry of Labour and Employment, Government of India ("**Labour Ministry**"), dated November 21, 2025 ("**Impugned Notification**") as *ultra vires* the provisions of the Industrial Relations Code, 2020 ("**IR Code**").

The Madras HC relied on a clarificatory notification issued by the Labour Ministry on December 8, 2025 ("**Clarificatory Notification**"). The Clarificatory Notification confirmed that the existing Labour Courts, Industrial Tribunals and National Industrial Tribunals constituted under the Industrial Disputes Act, 1947 ("**ID Act**") will continue to adjudicate, both existing and new cases until the constitution of tribunals under the IR Code.

### Brief facts

The United Labour Federation represented by its Secretary Mr. D. Ramesh (the "**Petitioner**") filed the present writ petition before the Madras HC challenging the Impugned Notification, issued by the Labour Ministry (the "**Respondent**"), which brought the provisions of the IR Code into force with effect from November 21, 2025.

The Petitioner stated that while the Impugned Notification specified November 21, 2025, as the date for the commencement of the IR Code, no alternative adjudicatory forums were created and operationalised under the IR Code. Consequently, the existing Labour Courts and Industrial Tribunals, which had been previously functioning under the ID Act referred to in Section 104(1) of the IR Code, ceased to function, leaving the management and workmen without any alternative adjudicatory forums. The Petitioner sought a declaration that the Impugned Notification was *ultra vires* of the provisions of the IR Code as well as violative of Articles 14 and 21 of the Constitution.

### Clarificatory Notification

During the proceedings, the Respondent submitted the Clarificatory Notification dated December 8, 2025 before the Madras HC. The Clarificatory Notification was issued by the Labour Ministry in exercise of the powers conferred by Section 103 of the IR Code. The Clarificatory Notification was titled as the Industrial Relations Code (Removal of Difficulties) Order, 2025, and came into force with effect from December 8, 2025.

<sup>1</sup> 2026 LLR 135 (decided on December 9, 2025)

<sup>2</sup> Reference no. S.O. 5320(E)

The Industrial Relations Code (Removal of Difficulties) Order, 2025 states the following:

1. Section 104 of the IR Code empowers the Central Government to specify in a notification issued under sub-section (3) of Section 1 for the commencement of any provisions of the IR Code, that specific provisions of the Acts specified in clauses (a) to (c) of Section 104(1) will stand repealed. The remaining provisions of those Acts will remain in force until repealed by a similar notification. The Acts referred to in Section 104 (1) are the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946 and the ID Act;
2. the Impugned Notification which brought the IR Code into force did not expressly repeal any of the Acts specified in Section 104(1); and
3. Section 51(1) of the IR Code provides that on and from its date of commencement, cases pending in the Labour Courts and Tribunals constituted under the ID Act will stand transferred to the corresponding tribunals established under the IR Code. Similarly, cases pending in the National Tribunals will stand transferred to the National Industrial Tribunals under the IR Code. Section 51(2) of the IR Code further stipulates that such transferred cases may be dealt with either *de novo* or from the stage at which they were pending before such transfer.

## Issue

The primary issue before the Madras HC was whether the Impugned Notification was *ultra vires* of the provisions of the IR Code and violative of Articles 14 and 21 of the Constitution of India, given that the existing Labour Courts and Industrial Tribunals had ceased to function without alternative adjudicatory forums being established under the IR Code.

## Findings and analysis

The Madras HC, in its judgment, noted that Clause 2 of the Clarificatory Notification expressly provides that the existing Labour Courts, Industrial Tribunals and National Industrial Tribunals constituted under the ID Act will continue to adjudicate both existing and new cases. This arrangement ensures continuity in adjudication and prevents any legal or administrative vacuum until the Industrial Tribunals and National Industrial Tribunals are constituted under the IR Code.

The Madras HC held that it was clear that all adjudicatory forums that were functioning before the date of issuance of the Impugned Notification will continue to function. Accordingly, the grievance raised by the Petitioner stood addressed and the writ petition was disposed of. Additionally, the Madras HC directed that a copy of the order be circulated to all the Industrial Tribunals and Labour Courts of the State of Tamil Nadu to ensure awareness and compliance.

## Conclusion

The Madras HC's judgment in the present case provides clarity on the transitional mechanism under the IR Code. While the Impugned Notification brought the IR Code into force on November 21, 2025, the absence of an express provision repealing the ID Act and the issuance of the Clarificatory Notification on December 8, 2025, ensures continuity of adjudication.

The existing Labour Courts, Industrial Tribunals and National Industrial Tribunals will continue to function and adjudicate both existing and new cases until Tribunals are formally constituted under the IR Code. This approach prevents any legal or administrative vacuum and safeguards the adjudicatory rights of management and workmen during the transitional period. The Madras HC's directive to circulate the order to all Industrial Tribunals and Labour Courts in Tamil Nadu further reinforces the importance of uniform implementation and awareness across the state.

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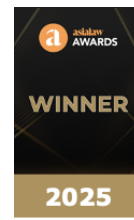
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