TEXT:

Abstract

The industrial court is a specialized tribunal to deal with industrial disputes in Malaysia. Although its name suggests that it is part of the mainstream judicial system, it is not. Industrial courts are statutory tribunals, ie inferior tribunals created by a statute, and an industrial court is meant to be an exclusive body to deal with labor disputes. The governing statute, the Industrial Relations Act 1967 provides that industrial court's award and decision are not open to challenge, appeal, review or interference by the ordinary courts. This is however not the case in practice as the ordinary courts are more often than not, willing to interfere with the industrial courts award and decision. In this respect, the main consideration is the desirability of such action and whether an alternative method for a speedy and effective resolution of labor disputes could be in place.

Introduction

The resolution of trade disputes via the mechanism of the industrial tribunal in Malaysia dates back in the 1950s prior to the independence of the country in 1957. The system began with a voluntary adjudication of dispute to the court and the present system of reference of dispute from the Minister of Human Resource to the Industrial Court after a failed conciliation by the Director General of Industrial Relations or the disputing parties requesting the Minister to refer it to the Industrial Court. The system which is intended to provide a specialized dispute resolution mechanism in consonance with the tripartite dispute resolution method promoted by the International Labour Organization ('ILO'), has however been subject to many criticisms by the parties involved in the system itself. Delays and backlog of cases are the main complains. The Industrial Court system exists as a separate system from the mainstream judicial institutions. It is a tribunal created by the statute, the Industrial Relations Act 1967 and thus subject to the common law principle that inferior tribunals are subject to the supervisory power of the ordinary courts.
The flow of a trade dispute to the industrial tribunal starts with the Director General of Industrial Relations where dispute is referred to him for conciliation or settlement. If that fails, it will go to the Minister who has discretion to refer the dispute to the industrial court. At this stage, the decision of the Minister to refuse reference to the Industrial Court may be challenged in the High Court by way of judicial review. When a dispute is referred to the Industrial Court, it has power to decide on whether it will proceed with the enquiry or not based on the relevant question of whether the parties and subject-matter of the dispute are within the powers laid down by the statute, the Industrial Relations Act 1967.

When an industrial court has made an award (decision) on a particular dispute, a dissatisfied party may apply to the High Court to challenge the award. The process involves the High Court going through the award and if it finds any defect in the award on the points of law, it may quash the award. The old practice was to remit the case to the Industrial Court for re-adjudication taking into account the defect in law pointed by the High Court and to decide the case in accordance with the order of the High Court. Recently, in the case of R Rama Chandran v Industrial Court of Malaysia & Anor n1, the Federal Court decided that High Court may proceed to decide on the merit of the case that it has reviewed without the need to remit it back to the Industrial Court.

The pitfalls of judicial review

Delay

A recent report indicates that more than 6,000 complaints of wrongful dismissal are pending before the Industrial Relations Department, some of them having been filed as long back as six years. n2 It has been shown that, on average, it takes about two and a half years from the date of representation is made by a workman to the Industrial Relations Department until the time when a reference to the Industrial Court is made, if at all. n3 Therefore, if the matter goes further up for judicial review, the delays are further compounded. Judicial review process requires a lot more time to be finalized and of course, it is more costly. It first goes to the High Court and may be subject to appeal to the Court of Appeal and the Federal Court. Delays may be between two to five years or even more. The powerful employers can afford these delays but not the poor workmen. The higher the case goes, the expensive it gets. Lim Heng Seng, a former President of the Industrial Court observed that:

"After proceedings before the High Court there is always the prospect of an appeal to the Court of Appeal and thereafter the Federal Court. There is concern that the delays are exploited to deny the workmen the remedies which he has successfully obtained from the Industrial Court. Denial of justice can be caused through sheer pressure of costs which creates an impediment on the average workman. There can also be denial of the full rewards of a workman's monetary award by sheer delay in that even if he were to finally succeed in the High Court, the value of his compensation would be diminished substantially by the effect of inflation. Furthermore the Court is not expressly empowered to award interest.” n4

Expanded judicial review

Recourse to judicial review is seen as an important avenue to acquire redress if one feels that industrial tribunal has made a wrong decision. In the perspective of the ordinary courts, judicial review is seen as the "right thing" to do in the light of the common law principle that inferior tribunal’s decisions are subject to the scrutiny and control of the ordinary courts to ensure that statutory powers are correctly exercised and free from any error and abuse. The courts have observed that: "since the Industrial Court is a creature of the Industrial Relations Act 1967, its powers must be discovered only from the four corners of the Act - expressly or by necessary implication (Lee Wah Bank Ltd v National Union of Bank Employees (per Hashim Yeop A Sani J) n5. In another case, it was held that: "Once the Industrial Court has made an award, it is functus officio unless there is a further reference to it by the Minister under section 26 or unless the provisions of sections 30, 33 or 56 of the Industrial Relations Act, 1967 applies" (Federal Court in Federal Hotel
In the course of reviewing Industrial Court awards, it was stated that the function of High Court is as follows:
"In the exercise of its inherent supervisory jurisdiction over inferior tribunal of limited jurisdiction, the High Court must always remember that it is not sitting as a Court of Appeal to review the findings of the inferior tribunals. The High Court, it must be observed, has no jurisdiction to consider the merits of the case: its only function is to consider whether the inferior tribunal has performed its duties according to law. A clear distinction must be maintained between want of jurisdiction and the manner of its exercise, otherwise review for jurisdictional error will be equivalent to review on merit. Speaking of the inherent supervisory jurisdiction of the superior court of High Court..." n7

The traditional approach of keeping judicial review within the ambit of procedural defectiveness has been maintained. It has been said that judicial review is concerned only with the decision-making process of the tribunal and not the decision made by the tribunal. n8 Therefore, Industrial Court awards that are virtually free from any kind of vires be it latent or patent, be it procedural or substantive, will not be touched by the High Court. This is fairly consistent with the conservative approach that retains the basic philosophy and logic of industrial adjudication by a special court. n9 This has however has not been free from controversies. The mainstay issue is the effect of ouster clause in section 33B of the Industrial Relations Act, 1967.

Section 33B(1) provides:
"Subject to this act and the provisions of section 33A, an award, decision or order of the Court under this act (including the decision of the Court whether to grant or not to grant an application under section 33A(1)) shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed or called in question in any court."

The above ouster clause has been used to challenge any attempt on judicial review but to no avail. The High Court on many occasions had intervened to quash Industrial Court's awards in appropriate cases, all for the cause of justice. Ouster clauses are intended to protect decisions made by inferior tribunals and government officials, including Ministers from being interfered with by the ordinary courts. There is, however, a balance that needs to be struck between the exclusivity of specialized tribunals like the Industrial Court to maintain their exclusive 'expertise' and the duty of the High Court to supervise the exercise of powers by inferior tribunals. n10 The approach has been very liberal but cautious in the judicial review proceedings. "Where the particular facts of the case warrant it, the High Court should endeavor to remedy an injustice when it is brought to its notice rather than deny relief of an aggrieved party on purely technical and narrow grounds". n11 M P Jain observed that:
"In recent years the Courts have not looked upon their task in such mechanical manner and have tended to mould their relief according to the exigency of the situation. They have tried to tailor the relief in accordance with the demands of justice in the circumstances of the specific case, lay down guidelines, go into the merits, and even at times to dilute the logical consequences of their own ruling..." n12

The decision of *Syarikat Kenderaan Melayu Kelantan v Transport Workers Union* n13 opened up the door for a more flexible and invasive judicial review process. Before the case, the precedent had been the Privy Council decision...
of Non-Metallic Mineral Products Manufacturers Employees Union & Ors v South East Asia Firebricks Sdn Bhd  n14 It decided that when an inferior tribunal committed a non-jurisdictional error, award or decision of that tribunal is not opened to judicial review. Malaysian Courts could only review jurisdictional errors apparent on the face of the record. In other words, an ouster clause would be effective to protect the tribunal's decision or award on this kind of action, and to enlarge the administrative authority's power to take decisions wrong in law at the expense of the legal remedy available to the citizens aggrieved by such decisions. n15 The radical move was taken by the Malaysian Court of Appeal to divert from South East Asia Firebrick's case and thus made the decision another chapter into the Malaysian legal history. The Transport Workers Union's case brought back the Anisminic approach into Malaysian Administrative Law. n16

The Court of Appeal opined that the South East Asia Fire Brick's case is no longer good law. Gopal Sri Ram JCA said that Parliament has attempted to exclude judicial review of the Industrial Court's awards by providing section 33B of the Industrial Relations Act, 1967. However, an inferior tribunal like the Industrial Court has no jurisdiction to commit an error, and thus, its decision will not be immune from judicial review by an ouster clause, however, widely drafted. n17 VC George JCA echoed the same sentiment when he said that it was now time to discard the distinction between an error of law, which affected jurisdiction, and one, which did not. Inferior tribunal, he said, was not given the jurisdiction to make an error of law and it followed that such errors of law, whether on the face of the record or not, in reality went to jurisdiction. n18

No doubt that the decision will allow a greater interference by Civil Courts on Industrial Courts awards. Questions have been raised as to the desirability of the 'easier' access to judicial review. Would it mean that Industrial Court awards are now challengeable for a simple technical mistake? Would it cause more delays in the implementation of awards by further litigation? Would it be consistent with the policy of the Industrial Relations Act, 1967 to ensure speedy settlement of trade disputes in Malaysia?

A new dimension was later added to the realm of judicial review in Malaysia in the light of the Federal Court decision of R Rama Chandran v Industrial Court of Malaysia & Anor. n19 In the instance case, the Federal Court in this landmark judgment decided that when reviewing the Industrial Court award the High Court, when the particular facts or the case warrant it, should endeavor to remedy an injustice when it is brought to its notice rather than deny relief to the aggrieved party on purely technical grounds. Emphasizing the High Court's duty to remedy injustice, the Federal Court was of the opinion that:

"To remit this matter back to the Industrial Court would mean to prolong the dispute which would hardly be fair or conducive to the interests of the parties... The court should determine the consequential relief rather than remitting the case to the Industrial Court for that purpose."

The advantage is that instead of remitting the case to the Industrial Court, High Court and superior courts are at liberty to decide and proceed to rectify the facts of its substance and merits in the course of reviewing the awards made by Industrial Court. This will prevent further delay if the case were to be remitted to the inferior tribunals.

Ethos of industrial jurisprudence

The expansion of judicial review principles in Malaysia illustrated the progress that the ordinary Courts have made in this area of the law. It is a welcome development to strengthen the supervisory jurisdiction of the Courts in ensuring that administrative powers are properly exercised within the ambit of reasonableness and justice. As far as the Industrial Court is concerned, this development may be viewed as counter-productive. The issue of delay has been raised as well as the question of 'appropriateness'. Lim Heng Seng observed:

"Serious questions arise as to the appropriateness of a generalist High Court administering justice according to law being tasked with the
responsibility for auditing the decisions of a specialist industrial
tribunal which administers industrial justice according to precepts of
social justice, equity and good conscience. That the ethos, logic and
philosophy of administration of industrial justice through industrial
adjudication must differ from administration of legal justice through
law courts cannot be gainsaid." n20

He argued that the process of judicial review takes time to complete as it usually goes through the two levels of
appeal, the Court of Appeal and the Federal Court. When a High Court overruled an Industrial Court award on the
question of law, the right principle of law need to be immediately confirmed so that other Industrial Courts do not
perpetuate the same erroneous principle. However, when the decision goes for appeal to the higher courts, it will take
years before the right principle of law is finally confirmed by the highest court. He suggested that instead of a generalist
High Court to review Industrial Court awards, there should be a specialist review or appellate court to audit decisions or
awards of Industrial Court. He said that, "Such a Court can be expected to be consciously mindful of and attentive to its
role in the articulation, defining and refining of principles in the process of development of industrial jurisprudence". n21

We have to be mindful that Industrial Court is a quasi-judicial body specializing in industrial disputes and plays a
central role in the tripartite system of industrial dispute settlement in Malaysia. Its role is to expeditiously settle
industrial disputes without being too much restrained with the black letter laws, and to include a broader aspect of
equity and good conscience. With this in mind, it is right for some quarters including a former Industrial Court
Chairman to raise this issue of 'appropriateness' of the generalist High Court to exercise its supervisory jurisdiction. The
trend has been that Industrial Court procedures have become comparable to the court of general jurisdiction. In other
words, it has become overly legalistic and adversarial that it is time consuming. One good example is the rule on
pleadings applicable to the Industrial Court. In R Rama Chandran v The Industrial Court of Malaysia and Anor n22, the
Federal Court ruled that there should be strict procedural rectitude regarding pleadings. Eusoff Chin CJ observed
that the "Industrial Court cannot ignore the pleadings and treat them as mere pedantry or formalism, because if it does
so, it may lose sight of the issues, admit evidence irrelevant to the issues or reject evidence relevant to the issues and
come to the wrong conclusion". n23

As a specialist tribunal, the Industrial Court "has to maintain a balance between the differing or conflicting
interests, and be able to reconcile the variables, in order to maintain industrial peace and harmony." n24 It is a
challenging task indeed.

**Blurred distinction between appeal and review**

The current concern is the diminishing distinction between review and appeal that results in the ordinary courts
becoming blurred in their approach to judicial review. Recently, in *Petrolium Nasional Bhd v Nik Ramli* n25, Steve
Shim CJ, speaking for the Federal Court, made an important observation:

"The fear of unnecessarily emasculating the functions of the Industrial Court can be laid to rest if the reviewing
courts, in the exercise of their powers constantly bear in mind that the review of the Industrial Courts award on the
merits is akin to, though not the same as, the exercise of appellate power". n26

A similar caution was recorded by Edgar Joseph Jr FCJ in *R Rama Chandran's* case when he said:

"Needless to saying...this wider power is enjoyed by our courts, the decision whether to exercise it, and if so, in
what manner, are matters which call for the utmost care and circumspection". n27

The *R Rama Chandran's* case approach on judicial review proceeding rests on three matters namely (i) review the
decision of the Industrial Court on the merits, (ii) substitute the decision of the Industrial Court with its own decision,
without remitting the matter to the tribunal for re-adjudication and (iii) may itself determine the consequential relief. The Court reiterated the established grounds for judicial review, namely, 'reasonableness', 'illegality', 'irrationality' and 'procedural impropriety'. It went on to identify two more grounds; 'erroneous conclusion' and 'no evidence'. A deeper analysis of the case revealed that the main reason for interfering with the Industrial Court award was on the ground of 'reasonableness' that allowed the Court to review the award on its merits. This was a deliberate departure from the long-held tradition that maintained an almost definable line between judicial powers exercisable in review proceedings and those in appellate jurisdiction. This is clearly contrasted with the line of cases which had maintained an apt distinction between review and appeal. The Court of Appeal in *William Jacks & Co (M) Sdn Bhd v S Balasingam* observed that:

"It is well-settled that a court cannot utilize certiorari proceedings as a dock to entertain what, in truth, is an appeal against findings of fact. If authority is needed for the proposition, it may be found in the decision of the Indian Supreme Court in *Basappa v Nagappa* AIR 1954 SC 440 and *Dharangadhra Cemical Works Ltd v State of Saurashtra & Ors* AIR 1957 SC 264." \(^\text{n28}\)

In similar vein, the Court of Appeal reiterated its view in *Quah Swee Khoon v Sime Darby Bhd* \(^\text{n29}\) that credibility of witnesses cannot be examined by review proceedings. It was stated that if a judge in certiorari proceedings "inquires into and disturbs findings of fact based on the credibility of witnesses, he does indeed exercise appellate functions". \(^\text{n30}\) Similarly, in *Colgate Palmolive (M) Sdn Bhd v Yap Kok Foong (and Another Appeal)* \(^\text{n31}\) it was stated that a reviewing court has no jurisdiction to interfere with the finding of fact by the Industrial Court based on the credibility of witnesses. In the words of Gopal Sri Ram JCA:

"The power of the High Court to exercise judicial review is confined to questions of law. It has no jurisdiction in certiorari proceedings to interfere with questions of fact arrived at by the Industrial Court. We have said so on numerous occasions". \(^\text{n32}\)

These are clear authorities in reminding the courts to maintain the distinction between appeal and review. With the decision of *R Rama Chandran*'s case, these decisions are now mere academic.

**The way forward**

**What next after R Rama Chandran's case?**

Despite the far-reaching consequences that the decision has on the principles of judicial review in Malaysia, the Federal Court has thrown some words of caution. Edgar Joseph Jr FCJ for instance noted a mix of hope and caution, which is the manifestation of a concern that the tests, in the new scheme of judicial review ability, would be used with 'circumpection'. Not many cases after *R Rama Chandran*'s case that have clearly charted a trend in the development of the law in this area. Nonetheless, a few points can be made in the light of the various decisions on judicial review. First, the 'reasonableness' ground originated from the English case of *Wednesbury Corporation case* \(^\text{n33}\) and the 'irrationality' test adopted from the *Council for Civil Service Union* case \(^\text{n34}\), another English court decision or often used, and in simple fact-situations where opinions may easily differ. These two tests have sometimes been used as equivalent to 'unreasonableness' - which may lead to subjective assessment, a value judgment. Moreover, as the tests were formulated for a specific purpose, i.e. to set aside the decision of inferior tribunals like the Industrial Court, a reliance on them for substituting the opinion of the reviewing court for that of the inferior tribunals does not hold much logic.

Secondly, the Court of Appeal in *William Jacks, Qua Swee Khoon and Colgate Palmolive* has placed some limitations to the R Rama Chandran's broad based approach. These cases insisted on the courts to be wary of blurring the distinction between appeal and review. Recently, in Petroleum Nasional case, Steve Shim CJ recorded the same 'caution' reminding that appeal and judicial review are two distinct jurisdictions, with distinct purpose, processes and consequences. Nonetheless, it has to be noted here that in practice, with additional powers now available to the reviewing court as mentioned in *R Rama Chandran* case, the distinction is no longer visible. It will probably take some
time before a new jurisprudence is developed redefining the two jurisdictions.

Thirdly, a breakaway from the past in *R Rama Chandran* was largely due to a necessity, to provide speedier relief to a victim of work-related circumstances, and opened the door for the future courts to act similarly where justice of the case so demanded. The reasons assigned by Eusoff Chin CJ and Edgar Joseph Jr FCJ as to why the court took the unusual step of determining the consequential relief instead of remitting the case to the Industrial Court, hold the very core of justice and rule of law. n35 and point to the drawbacks in the existing industrial conflict resolution mechanism. Having said that, it is for the courts to ensure that this objective is achieved and that's that. In the course of reaching that objective, the courts will have to be mindful of their role to review awards of Industrial Court or to become an appeal court.

**Proposed solutions**

Commentators have mooted the idea of introducing an appeal tier within the industrial adjudication system, the Industrial Appeal Tribunal. Honourable Justice Gopal Sri Ram has made a remark that: "for too long have the ordinary courts by the use of the prerogative remedies exerted an influence over industrial law. This has resulted in an injection of medieval common law concepts into industrial law on a fairly regular basis. To stop this, what is required is the introduction of an appellate tier within the adjudicatory system". n36 The Malaysian Bar Council Industrial Court Practice Committee in one workshop on “Industrial Adjudication Reforms” proposed three modules of the Industrial Appeal System. n37 Module One proposed an establishment of an Industrial Appeal Court consisting of three judges, who have vast experience in industrial adjudication and industrial law. Decisions of the Appeal Court are subject to the final appeal at the Federal Court. Module Two suggested that all awards of the Industrial Court are subject to appeals to the High Court like any other civil appeal that lie to the High Court and further appeal to the Court of Appeal and Federal Court. Module Three is basically an adaptation of the English Appeal tribunal system. In England, an aggrieved party who is dissatisfied with the decision of the Employment Tribunal may appeal to the Employment Appeal Tribunal (‘EAT’). EAT is a statutory tribunal with powers of the High Court. It is presided over by a President who is a High Court Judge and assisted by four lay members giving equal representation to both sides of the industry. Decisions of the EAT may be appealed against to the Court of Appeal and further appeal lies to the House of Lords. The Bar Committee is highly favorable to the first module as it created a structured appeal avenue for parties who are not satisfied with the Industrial Court awards. In avoiding the pitfalls of judicial review, no review should lie against the decisions of the Appeal Tribunal but a further appeal on questions of law lies to the Court of Appeal and the Federal Court. Nonetheless, it was suggested that appeal should only lie to the Federal Court not the Court of Appeal as the Court of Appeal is already overburdened with appeals in both civil and criminal cases from High Court.

The underlying principle is that creating an appeal tier provides an avenue for dissatisfied litigants of industrial cases to further their causes. If delay is the main concern of the present set up, there is no guarantee that the proposed appeal tier would be able to overcome the backlog issue for the simple reason that appeals would still lie in the mainstream judicial hierarchy, the Court of Appeal and the Federal Court. By excluding the Court of Appeal in the hierarchy and bringing the case straight to the Federal Court, there could be some respite to the problem of delays. Furthermore, there is a need to ensure that appeal to higher courts should only deal with questions of law and not the merits of the case.

The other suggestion is to put the appeal mechanism within the structure of the High Court. n38 It is proposed that an Industrial Division of the High Court is set up that hears appeals from the Industrial Court. It should be headed by a judge or judges with requisite experience in industrial matters and assisted by two assessors, one representing employers and the other employees. There ought to be a limited right of appeal to the Federal Court on points of law. This proposal does not necessitate the formation of an appellate tribunal industrial adjudication.

The Minister of Human Resource was recently quoted to have said that the Industrial Court system would be revamped where judges of the High Court will preside over the system and with a better system for case management. n39 He said that members of the public could expect to have their cases at the Industrial Court heard faster. He added
that appeal cases would go direct to the Court of Appeal and on to the Federal Court. This was contrary to what had
been stated before when the same Minister was quoted as saying that his Ministry was considering the establishment of
an Industrial Appeal Court and was discussing with the Attorney-General’s Department on the matter. n40 Which
proposal that will materialize latter is everyone’s guest but such proposals point to one common direction, namely,
putting industrial adjudication within the purview of the mainstream judicial system, known for delays and backlog of
cases. A writer has rightly put it that in the new proposed system, delays in the adjudication of review by the Court of
Appeal and Federal Court will be inevitable due to the already existing backlog of cases and will cause further delay,
which is likely to aggravate the existing delay. n41

Conclusion

An industrial tribunal's role is a specialist role in dealing with industrial disputes. In ensuring that justice to the
disputing parties is dispensed with, the system will have to sustain its soundness and integrity. The increasing demands
from the industry of its services, requires it to come up with a strategic agenda for the long term reform of the system.

The advent of judicial review process in Malaysia has come to acquire a scope which is altogether different from
what the term carries with it in the common law jurisdictions. The expansion of judicial review principles seen recently
has hardly left any recognizable difference between appellate and judicial review powers. For the Industrial Court, such
development may affect its role to uphold its objective to provide speedy, fair and just resolutions of conflicts between
parties to contracts of employment. Industrial Court will be wary of their role to dispense industrial justice in
accordance with equity and good conscience, giving less priority to technicalities and legal form as they are aware that
the legalistic approach taken by the courts in the review process may overturn their awards with impunity. The need to
maintain the ambit of statutory powers within its confined sphere requires the intervention of the mainstream judiciary
on inferior tribunals' activities. Indeed, it is a difficult balance to strike especially when there is a diminishing distinction
between appeal and review and thus losing sight on their role, as the court of review and not court of appeal.

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FOOTNOTES:

n1 [1997] 1 MLJ 145 (FC).
n2 New Straits Times, April 11, 2004, at p 11.
n4 Lim Heng Seng, "Industrial disputes resolution processes and structure in Malaysia: A preliminary
paper on proposal for some urgent reforms", The Malaysian Bar Council Industrial/Employment Law Seminar,
n6 [1983] 1 MLJ 175.
n7 Per Seah FJ in Hotel Equatorial (M) Sdn Bhd v National Union of Hotel, Bar & Restaurant
n8 Tanjong Jaga Sdn Bhd v Minister of Labour & Manpower & Anor [1987] 1 MLJ 125.
n9 Lim Heng Seng, op cit, note 4, at p 13.
See section 25 and paragraph 1 of the Schedule to the Courts of Judicature Act 1964.

Per Eusoff Chin CJ in *R Rama Chandran v Industrial Court, op cit*, note 1.


*Anisminic Ltd v Foreign Compensation Commission* [1969] 2 AC 147 (House of Lords).

Per Gopal Sri Ram JCA, *op cit*, note 14, at p 342.

Per VC George, *ibid*, at p 345.

*Op cit*, note 1, at p 147.

Lim Heng Seng, *op cit*, note 4, at p 15.

*Ibid*.


*Ibid*. Nonetheless, the Court of Appeal in *National union of Plantation Workers v Kumpulan Jerai Sdn Bhd (Rengam)* [2000] 1 CLJ 681, was of the view that the rigors of strict pleading rules has often been dispensed with when no injustice is occasioned to the party raising the objection.


[2003] 4 CLJ 625.

*Ibid* at p 636.

*Ibid*, note 1, at p 197.

[1997] 3 AMR 2585, at p 2590.

[2000] 2 MLJ 600.

Per Gopal Sri Ram JCA, *ibid*, at p 613.

[2001] 2 AMR 2309.

*Ibid*, at p 2312.

*Associated Picture House Ltd v Wednesbury Corp.*[1948] 1 KB 223.

*CCSU v Minister for Civil Service* [1985] AC 374.

Per Eusoff Chin CJ, at pp 183-184.
n36 Gopal Sri Ram JCA, in his keynote address on "Industrial Adjudication Reforms" organized by the Malaysian Bar Council on 11 May 2002.

n37 Held on 11 May 2002.

n38 Lim Heng Seng, *op cit*, note 4, at p 16.

