

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. No.167 of 2014 and M.P. No.1 of 2014
and
Contempt Petition No.3201 of 2014

W.A. No.167 of 2014:

MRF Limited
represented by its General Manager/
Authorised Signatory
Mr. Simon A. Panicker
Thiruvottiyur Plant
Chennai 600 019

Appellant

Vs.

1 Workmen of MRF Plant
Thiruvottiyur
represented by its MRF Employees' Union
Through its General Secretary
C.R. Prabakaran
Thiruvottiyur, Chennai

2 The Assistant Commissioner of Labour
(Conciliation)
Kuralagam
Chennai 600 104

Respondents

Contempt Petition No.3201 of 2014:

Workmen of MRF Plant, Thiruvottiyur
represented by its MRF Employees' Union
through its General Secretary
C.R. Prabakaran
Thiruvottiyur, Chennai

Petitioner

vs.

Simon A. Panikar, General Manager
rep. MRF Limited
Thiruvottiyur Plant
Chennai 600 019

Respondent

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 10.10.2013 passed in W.P. No.28244 of 2013 praying to issue writ of mandamus directing the respondent to forthwith commence conciliation in any event prior to 10.10.2013 on the industrial dispute brought by the petitioner on 26.09.2013 against the notice of change issued by the management of MRF Ltd.,

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondent for contempt of Court by wilful disobedience of the order dated 24.02.2014 passed in M.P. No.1 of 2014 in W.A. No.167 of 2014.

W.A. No.167 of 2014:

For appellant Mr. R. Prabhakaran

For R1 Mr. V. Prakash, Sr. Counsel
for M/s. K. Sudalaikannu

Contempt Petition No.3201 of 2014:

For petitioner Mr. V. Prakash, Sr. Counsel
for Mr. K. Sudalaikannu

For respondent Mr. R. Prabhakaran

COMMON JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

The instant intra-Court appeal is filed impugning the order dated 10.10.2013 passed in W.P. No.28244 of 2013.

2 The first respondent herein, without impleading the appellant-Management, preferred the writ petition being W.P. No.28244 of 2013 seeking a direction to the second respondent herein to forthwith commence conciliation prior to 10.10.2013 on the industrial dispute brought by it on 26.09.2013 against the notice of change issued by the appellant-Management.

3 The learned Single Judge, having considered the submissions made on either side, disposed of the writ petition observing as under:

"In view of the limited scope of the writ petition, though the Management is not made as a party to the writ petition, since no prejudice will be caused to the Management by passing the following order, the writ petition is disposed of as hereunder:

"Since the interests of both the Management and workmen are involved, it would be appropriate to direct the respondent to commence the conciliation on the industrial dispute brought by the petitioner dated 26.09.2013 against the notice of change in service condition issued by the Management of MRF Limited at the earliest."

4 The Management is before us by way of grant of leave. The main grievance of the Management is that the impugned order has been passed without affording an opportunity of hearing to the Management when the Management is the concerned relevant party.

5 Given the fact that the workmen are working with the appellant-Management, we find substance in the aforesaid contention of the appellant-Management. Thus, the order even for sending the issue to the Conciliation Officer, ought to have been passed only after affording an opportunity of hearing to the appellant-Management.

6 In that view of the matter, we set aside the impugned order dated 10.10.2013 and remit back the matter to the learned Single Judge to take a decision on merits of the case. In the meantime, having regard to the fact situation, as this Court, by order dated 24.02.2014, granted status quo modifying the order of interim stay granted earlier on 13.02.2014, we direct that the appellant Management shall not implement change of service, till the first hearing takes place before the learned Single Judge on remand of the matter. Thereafter, the appellant-Management is at liberty to make an appropriate application before the learned Single, seeking an appropriate relief, if so advised.

7 Resultantly, the writ appeal stands allowed. Costs made easy. Connected Miscellaneous Petition is closed.

8 In view of the aforesaid judgment rendered in the writ appeal, nothing survives for adjudication in the contempt petition. Accordingly, the contempt petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1.The Assistant Commissioner of labour
(conciliation) Kuralagam Chennai.104.

Copy to: 1. The Sub Assistant Registrar,
Original Side, High Court, Madras.

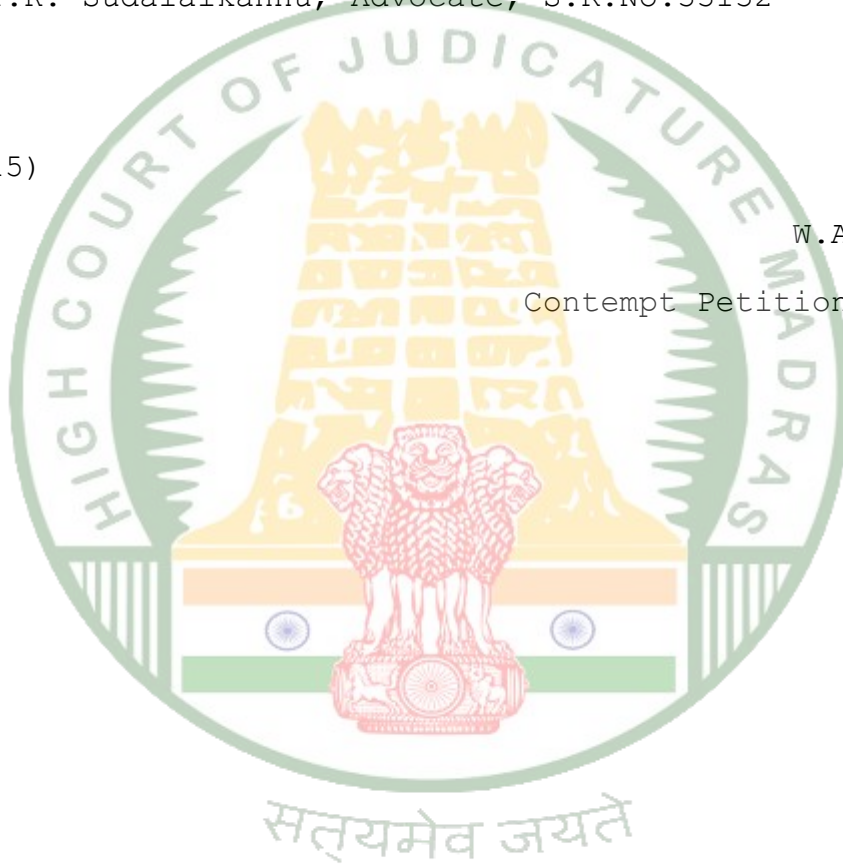
2. The Section Officer, Writ Section,
High Court, Madras

+1cc to Mr.R. Prabakaran, Advocate, S.R.No.33073

+1cc to Mr.K. Sudalaikannu, Advocate, S.R.No.33132

KU(CO)
EU(/07/2015)

W.A. No.167 of 2014
and
Contempt Petition No.3201 of 2014



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