

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 8.01.2015

CORAM

THE HON'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.31363 of 2014
and M.P.No.1 of 2014

Madurantagam Co-operative Sugar Mill
Daily Wages Employees Union rep by
its Secretary,
Regn No.438/KPM
No.305/2, Nethaji Nagar,
Chengalpet 603 001
Kancheepuram District

Petitioner

vs

1. Government of Tamil Nadu,
rep by its Secretary,
Labour and Employment Department,
Fort. St. George,
Chennai-600 009
2. Joint Commissioner of Labour,
(Conciliation),
DMS Compound,
Teynampet,
Chennai-600 006
3. Management,
Madurantagam Cooperative Sugar Mills,
Padalam,
Kancheepuram District

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a direction to issue a Writ of Mandamus directing the first respondent to refer the dispute raised by the petitioner Union under Section 2(k) of the Industrial Disputes Act, 1947 dated 06.06.2012, pursuant to the Failure Report dated 7.5.2013 in exercise of its power under Section 10 of the Industrial Disputes Act, 1947 for adjudication before competent Industrial Adjudicator and further forbear the third respondent from engaging contractor/contract employees or employees who had gone on Voluntary Retirement Scheme to

do the unskilled work which is being done by the Members of the Petitioner Union without engaging the services of the members of the petitioner Union whose names are given in the Annexure to this affidavit.

For petitioner : Mr.Balan Haridas

For respondents 1&2 : Mr.V. Subbiah
Spl.Govt.Pleader

For 3rd respondent : Mr.R. Bala Ramesh

ORDER

The petitioner Union has filed the above writ petition to issue a Writ of Mandamus directing the first respondent to refer the dispute raised by the petitioner Union under Section 2(k) of the Industrial Disputes Act dated 06.06.2012, pursuant to the Failure Report dated 7.5.2013, in exercise of its power under Section 10 of the Industrial Disputes Act, 1947 for adjudication before competent Industrial Adjudicator and further forbear the third respondent from engaging contractor/contract employees or employees who had gone on Voluntary Retirement Scheme to do the unskilled work, which is being done by the Members of the Petitioner Union, without engaging the services of the members of the petitioner Union, whose names are given in the Annexure to this affidavit.

2. Mr. Balan Haridas, learned counsel for the petitioner submits that though the Failure Report was given on 7.5.2013, the first respondent has not so far referred the dispute to the Industrial Tribunal and that the workers are put to great hardship.

3. Mr.V. Subbiah, learned Special Government Pleader submitted that the first respondent may be directed to refer the dispute to the Industrial Tribunal within a stipulated time.

4. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the first respondent to refer the dispute, pursuant to the Failure Report dated 7.5.2013, to the Industrial Tribunal within a period of six weeks from the date of receipt of copy of this order.

5. With the above observation, the writ petition is disposed of. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr

To

1. The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort. St. George,
Chennai-600 009
2. Joint Commissioner of Labour,
(Conciliation),
DMS Compound,
Teynampet,
Chennai-600 006
3. Management,
Madurantagam Cooperative Sugar Mills,
Padalam,
Kancheepuram District

1 cc to Mr.Balan Haridas ,Advocate, SR.No.1061
1 cc to Government Pleader,Sr.No1249

W.P.No.31363/2014

cnr(co)
pmk.23.1.2015

सत्यमेव जयते

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