

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.06.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.16228 OF 2015 &
M.P.No.1 of 2015

E.Venkatachalam

[PETITIONER]

Vs

1 The Deputy Registrar of Coop. Societies
Cuddalore Circle, Cuddalore.
Cuddalore District

2 The President
Thiruvamur Primary Agricultural Coop.
Credit Society
Thiruvamur Village & Post
Panruti Taluk, Cuddalore District.

3 The Labour Officer
No.22-A Pudupalayam Main Road
Cuddalore 1.

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents 1 and 2 to implement the order passed by the Labour Officer the 3rd respondent herein in Na. Ka. No.82/2015 dt 23.3.2015.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmuga Sundaram
Special Government Pleader

W E B C O P Y
O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come forward with this Writ Petition for issuance of a writ of mandamus to direct the respondents 1 and 2 to implement the order passed by the Labour Officer, third respondent herein in Na. Ka. No.82/2015 dt 23.3.2015.

3.The petitioner was employed as Computer Operator in the second respondent Society from 26.11.2012. Whiles, he was orally terminated from service with effect from 24.02.2015, without notice or without granting any compensation. In these circumstances, the petitioner took up the matter before the Labour Officer, Cuddalore

under section 2-A of the Industrial Disputes Act, questioning his non-employment. The Labour Officer, with the consent of either side issued a proceedings dated 23.03.2015, advising the second respondent to reinstate the petitioner into service. However, the petitioner was not reinstated into service. Hence, the petitioner submitted a representation dated 29.5.2015 in this regard. Since the same was not considered so far, the petitioner has come forward with this Writ Petition for directing the respondents 1 & 2 to implement the order passed by the third respondent dated 23.3.2015.

4.It is to be noted that the Labour Officer has no power to issue such a direction to provide employment to the petitioner as he is not the appropriate authority. The Labour Officer could either strive for a settlement under section 12(3) of the ID Act pursuant to a conciliation proceedings or he shall send his failure report under section 12(A) of the ID Act.

5.In view of the above, the Labour Officer is directed to commence the conciliation proceedings and record either 'settlement' or 'failure of conciliation' and communicate the same to the parties concerned, within a period of three months from the date of receipt of a copy of this order.

Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Deputy Registrar of Coop. Societies
Cuddalore Circle, Cuddalore.
Cuddalore District

2 The President
Thiruvamur Primary Agricultural Coop.
Credit Society
Thiruvamur Village & Post
Panruti Taluk, Cuddalore District.

3 The Labour Officer
No.22-A Pudupalayam Main Road
Cuddalore 1.

+1 cc to Mr.L.P.Shanmugasundaram, Advocate,SR.27909

+1 cc to Mr.C.Prakasam, Advocate,SR.27903

+1 cc to Government Pleader,SR.28113.

Tm(co)
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