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W.P.No.17051 of 2015

Petitioner

-VS-

1. The Government of Tamil Nadu
rep.by its Secretary
Department of Labour and Employment
Fort St.George town
Chennai 600 009
2. The Assistant Commissioner of Labour
Irungattukottai
Sriperumbudur
3. The Management of MM Forgings Limited
Karanithangal Village
Mathur Post
Kancheepuram 602 106

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to conclude the Conciliation Proceedings in respect of the Industrial Dispute raised by the petitioner union on 28.02.2015 and forward the same to the first respondent and in the event of failure of conciliation direct the first respondent to pass orders with regard to the reference of the dispute under section 10(1) of the Industrial Disputes Act within such time as stipulated by this Hon'ble Court.

For Petitioner	::	Mr.V.Prakash Senior Counsel for Mr.K.Sudalaikannu
For Respondents	::	Mr.A.Kumar Special Government Pleader for R1 & R2

ORDER

Mr.V.Prakash, learned senior counsel for the petitioner, briefly narrating the case of the petitioner, submitted that M/s MM Forgings Limited, which is having a factory in Karanithangal village with 250 permanent workers, suffered a labour unrest. As there was no union in the said factory, a meeting was held on 8.4.2015 to resolve for a decision to enroll more number of members. On coming to know of the same, the Management virtually raided the hostel with maidens to get the application forms of the workers and started insisting that certain workers should resign from the service of the company. When the Management insisted that unless the workers signed letters to the effect that they are not members of any union and that they are not members of United Labour Federation, they would not be permitted to work, this has given rise to an industrial dispute on 28.2.2015. When the Management is unwilling to give up its stand, the matter was finally taken to the Conciliation Officer, the second respondent herein. But as per Section 12(6) of the Industrial Disputes Act, the learned senior counsel submitted that the Conciliation Officer shall submit a report within 14 days of the commencement of the conciliation proceedings to the appropriate authority. But, in the present case, although the petitioner raised an industrial dispute on 28.2.2015, till date, no report has been filed by the Conciliation Officer. The matter is again posted for further hearing on 24.6.2015. Under these circumstances, the petitioner has come to this Court seeking a mandamus directing the second respondent to conclude the conciliation proceedings in respect of the industrial dispute raised by the petitioner union and forward the same to the first respondent. He has further submitted that in the event of failure of conciliation proceedings, he has further requested this Court to direct the first respondent to pass orders with regard to the reference of the dispute under section 10(1) of the Industrial Disputes Act.

2. Mr.A.Kumar, learned Special Government Pleader takes notice on behalf of the respondents 1 & 2.

3. As the petitioner union has raised an industrial dispute on 28.2.2015 with regard to some demands, the Assistant Commissioner of Labour- Conciliation Officer, the second respondent herein, who is seized of the conciliation proceedings, is directed to complete the conciliation proceedings as quickly as possible, in respect of the dispute raised by the petitioner union and forward the same to the first respondent to pass appropriate orders, preferably within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

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-s/d-

Assistant Registrar (CS-I)

True Copy

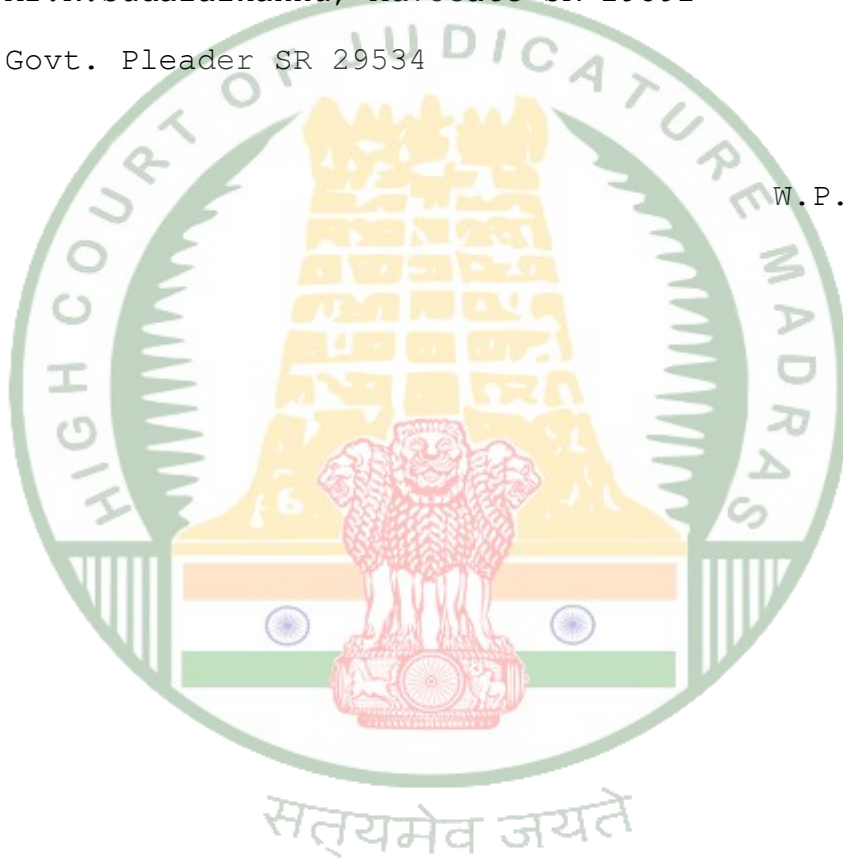
Sub-Assistant Registrar

To

1. The Secretary to Government
Department of Labour and Employment
Fort St.George
Chennai 600 009
 2. The Assistant Commissioner of Labour
Irungattukottai
Sriperumbudur
- + 1 cc to Mr.K.Sudalaikannu, Advocate SR 29592
- + 1 cc to Govt. Pleader SR 29534

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W.P.No.17051 of 2015



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