

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.20459 of 2015

S&S Power Switch Gear Ltd
Employees Welfare Union,
rep. by its Secretary

[PETITIONER]

Vs

1. The Presiding Officer,
Industrial Tribunal cum Labour Court,
Puducherry, Puducherry.
2. The Managing Director
S & S Power Switch Gear Equipment Ltd.,
EVR Street, Sedarapet,
Puducherry.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus, to direct the first respondent to dispose the Industrial Dispute I.D.(T) No.2 of 2014 on the file 2014 on the file of Industrial cum Labour Court, Puducherry within a stipulated time.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : R1 - Court

Mr.M.R.Dharani Chander -R2

ORDER

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.P.R.Thiruneelakandan, learned Counsel appearing for the petitioner and Mr.M.R.Dharani Chander, learned counsel appearing for the second respondent.

3.The petitioner is an Employees Welfare Union and has filed this Writ Petition seeking for issuance of a writ of mandamus to direct the first respondent to dispose of the Industrial Dispute in I.D.No.2 of 2014 on the file of the Industrial Disputes cum Labour Court, Puducherry.

4.The petitioner would state that there was a dispute between the workmen and the Management and they invoked the procedure under Industrial Disputes Act and ultimately the Government of Puducherry by G.O.Rt.No.59 dated 31.3.2014, referred the matter to the Industrial Tribunal cum Labour Court, Puducherry to adjudicate the following three issues:

"a) Whether the charter of demands dated 17.09.2012, submitted by the S & S Power Switchgear Ltd., Employees Welfare Union against the management of M/s S & S Power Switchgear Equipment Ltd., Puducherry over revision of wages is just justified, what relief they are entitled to ?

b) Whether the 18(1) settlement dated 30.09.2012, reached with S&S Power Switchgear Labour's Union while pendency of the conciliation proceedings and wage negotiation is justified ? If justified, what relief they are entitled to ?

c) To compute the relief, if any awarded in terms of money, if it can be so computed ?"

5.The Presiding Officer of the Labour Court issued notice to the petitioner by stating that the petitioner as well as the Management has to appear before the Tribunal in person on 9.5.2014 at 10.00 a.m. and answer all the material questions relating to the said dispute and directed to produce all the books, papers and documents and things in their possession or under control in any way relating to the matter of investigation by them.

6.It is presumed that the petitioner and the Management would have appeared before the Tribunal on the said date. But, one thing is very clear that the petitioner did not comply with the directions contained in the notice, which though may be a format, the notice requires the petitioner as well as the Management to do certain things. This Court is inclined to say so as the claim statement itself has been filed by the petitioner Labour Union only on 15.9.2014, which is not the date fixed by the Tribunal to produce all materials relating to their dispute including the books, papers, documents etc. Now, it is not in dispute that the Tribunal is seized of the matter and the Management is said to have not filed their counter till now.

7.The learned counsel for the petitioner vehemently contended that in terms of section 2-A of the I.D.Act, the Tribunal is bound to decide and pass an Award within a period of three months from the date of reference.

8.It may be true that the Statute has fixed the outer time limit, but, from judicial point of view, it has to be done in accordance with law. There is no allegation in the affidavit filed in support of the Writ Petition that the Tribunal has intentionally not taken up the reference and decided the matter. But, the Writ Petition has been filed solely based upon the statutory time limit fixed. Furthermore, the petitioner Union has not filed any Application before the Tribunal either to expedite the hearing or to give shorter date for disposal. Without resorting to all those remedies, the petitioner Union was not justified in approaching this Court directly by way of filing a Writ Petition seeking for issuance of a writ of mandamus. Hence, this Court is not inclined to grant any relief as sought for in this Writ Petition.

Accordingly, the Writ Petition fails and the same is dismissed. However, dismissal of this Writ Petition will not prevent the petitioner from approaching the Tribunal for necessary relief. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

rpa

To

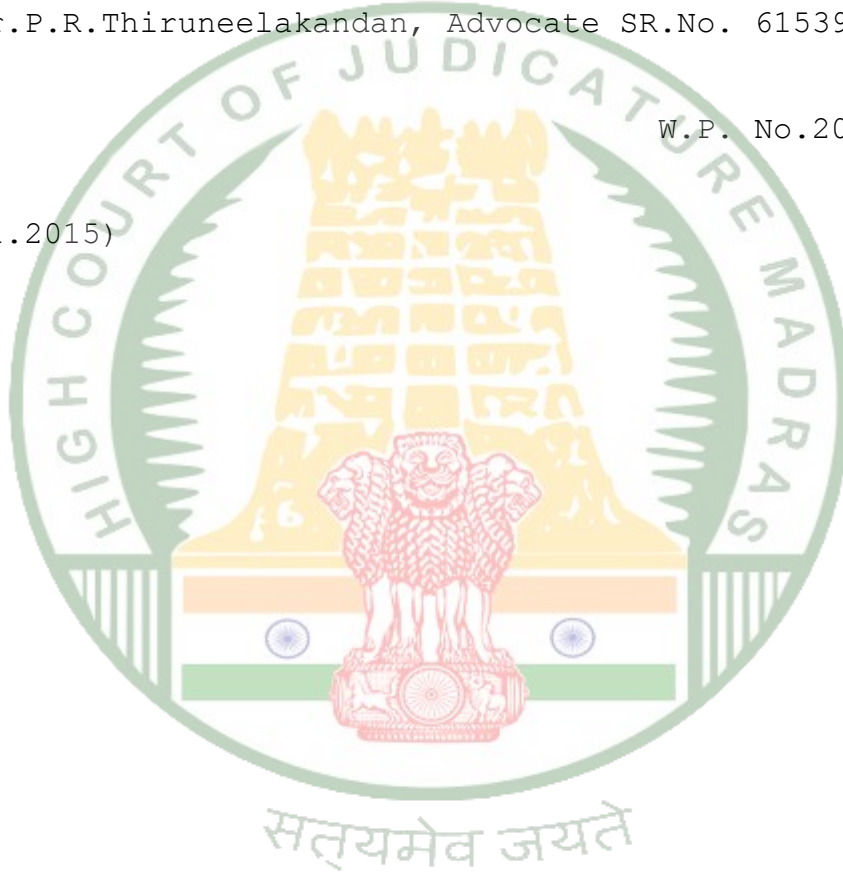
The Presiding Officer,
Industrial Tribunal cum Labour Court,
Puducherry, Puducherry.

1 CC to Mr.M.R.Dharani Chander Advocate SR.No. 61623

1 CC to Mr.P.R.Thiruneelakandan, Advocate SR.No. 61539

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AR II (CO)
PSI (23.11.2015)



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