

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24723 of 2015

Schwing Stetter Employees Union,
Represented by its Secretary

... Petitioner

Vs.

1. The Joint Director of
Industrial Safety & Health H-27
Sriperumbudur Kancheepuram Dist.
2. The Secretary
Labour & Employment Dept.
Secretariat
Fort St. George Chennai-9
3. The Deputy Commissioner
of Labour-II DMS Complex Teynampet
Chennai-6.
4. M/s. Schwing Stetter India
Pvt.Ltd. F71-F72 SIPCOT Industrial park
Irungattukottai Sriperumbudur
Kancheepuram Dist - 602 105.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Joint Director Industrial safety and Health, the 1st respondent to inspect the 4th respondent/management as to the employment of contract labourers and in the presence of the office bearers of the petitioner union and take such further action as per the Factories Act and thus render justice.

For Petitioners : Mr.K.V.Ananthakrushnan

For Respondents : Mr.R.Vijayakumar for R1 to R3
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would claim that he is the Secretary of the petitioner Union which is a registered Trade Union with registration no.3374/CNI and all the employees working in the fourth respondent company are the members of the petitioner union and the petitioner would further claim that it is the only registered union functioning in the fourth respondent. It is stated by the petitioner that on behalf of the workers of the fourth respondent, petitioner union has also entered into a memorandum of settlement under Section 12(3) of the Industrial Disputes Act on 29.04.2011 which expired on 31.03.2014 and subsequently, a fresh settlement came into being on 12.03.2015 and it is in force. It is the specific case of the petitioner that about 300 contract workers are employed in the fourth respondent industry and they have not been imparted with any training to carry out with the work of permanent nature and no register or muster roll is maintained with regard to their employment in their capacity.

3.The apprehension expressed by the petitioner union is in the event of any serious accident, the other co-workers will also be affected and it is also not good for the Management to employ them without any proper and adequate training and in this regard, he submitted a representation dated 07.07.2015 to the first respondent and since no response is forthcoming, came forward to file this writ petition.

4.Heard the submissions of Mr.V.Ananthakrushnan, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 3.

5.This Court in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit one more representation to the first respondent by enclosing a copy of this order as well as the copy of his earlier representation dated 07.07.2015 within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same, is directed to consider the said representation on merits and in accordance with law after putting on notice the fourth respondent and pass orders within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Director of
Industrial Safety & Health H-27
Sriperumbudur Kancheepuram Dist.
2. The Secretary
Labour & Employment Dept.
Secretariat
Fort St. George Chennai-9
3. The Deputy Commissioner
of Labour-II DMS Complex Teynampet
Chennai-6.

+1cc to Mr.K.V.Ananthakrushnan, Advocate, S.R.No.42280
+2cc's to the Government Pleader, S.R.No.42395

W.P.No.24723 of 2015

TS (CO)
CA(26/08/2015)

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