

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27746 of 2015

and

M.P.No.1 of 2015

Schwing Stetter Employees Union,
Represented by its Secretary,
2/66, Ottavaadai Street,
Nammalwarpet, Chennai - 600 012. .. Petitioner

- Vs -

1. The Project Officer,
SIPCOT, Industrial Park, Irungattukottai,
Sriperumbathur, Kanchipuram District -602 105.
2. The Secretary to Government,
Industries Department,
Secretariat, Fort St.George,
Chennai - 600 009.
3. The Inspector of Police,
Sriperumbudur - 602 105,
Kancheepuram District. .. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the first and third respondents from interfering with the petitioner's trade union peaceful functions to hoist their union flag and install the name board in front of their industry at F71-F72, SIPCOT Industrial Park, Irungattukottai, Sriperumbathur, Kancheepuram District - 602 105.

For Petitioner	: Mr.K.V.Ananthakrishnan
For Respondent 1	: Mrs.Sudharshana Sundar
For Respondents 2 & 3	: Mr.S.Gunasekaran Government Advocate

O R D E R

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

2. The petitioner would submit that their union was registered under the Trade Union Act with Regd.No.3374/CN1 at 2/66, Ottawada

Street, Namalwarpet, Chennai - 12 and it is the only recognised union of M/s.Schwing Stetter India (P) Ltd. and they have also entered into a settlement under Section 12(3) of the Industrial Disputes Act with the management. The grievance expressed by the petitioner is that it is recognised custom and practice to permit the unions to have its own flag as well as emblem and there are several unions having their own flag and emblem in the SIPCOT Industrial Park, Irungattukottai. When the petitioner made an attempt to hoist its flag, it was stalled by the first respondent and in this regard, a representation dated 18.06.2015 was also submitted followed by a legal notice dated 17.07.2015 to the respondents. Since no order has been passed, the petitioner union came forward to file this writ petition.

3. Heard the submissions of Mrs.Sudharshana Sundar, learned standing counsel who accepts notice on behalf of the first respondent and Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 2 and 3.

4. Though the petitioner prays for a larger relief, in the light of the facts and circumstances of the case, this Court without going into the merits of the claim projected by the petitioner's union in its representation as well as in the legal notice, directs the first respondent to consider and dispose of the representation of the petitioner dated 18.06.2015, on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

kk

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Project Officer,
SIPCOT, Industrial Park, Irungattukottai,
Sriperumbathur, Kanchipuram District -602 105.
2. The Secretary to Government,
Industries Department,
Secretariat, Fort St.George,
Chennai - 600 009.

3. The Inspector of Police,
Sriperumbudur - 602 105,
Kancheepuram District.

+ 1 cc to M/s.K.V.Ananthakrushnan, Advocate, SR 4770

+ 1 cc to Govt.Pleader SR 48078

rsi(co)
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