

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30606 of 2015

Unipress India Employees Union
Rep by its General Secretary,
Reg No.471
No.36, Rajeev Gandhi Street,
Aayakolathur, Thodukadu,
Kanchipuram - 602 105.

..Petitioner

Versus

1. The Government of Tamil Nadu,
Rep by its Secretary,
Department of Labour and Employment,
Fort St.George, Chennai -600009
2. The Assistant Commissioner of Labour,
Conciliation 1,
Irungattukottai,
Sriperumbathur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st Respondent Government to pass orders with regard to the reference of the Industrial Dispute covering the conciliation Failure Report bearing Ref No.Na.Ka.No.A/1324/2014 dated 17.06.2015 under section 10(1) of the Industrial Disputes Act.

For Petitioner : Mr.K.Sudalaikannu

For RR 1 & 2 : Mr.R.Vijayakumar, AGP

ORDER

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

2 The petitioner claims that it is having membership of 250 workers who are employed in the factory, viz., "Unipress India Private Limited, SIPCOT Industrial Growth Centre", Aayakolathur, Vadakkupattu Post, Sriperumbudur, Kancheepuram District and it is manufacturing automobile spare parts and supplies to "Nissan Car Factory". It is further

stated that it raised a demand regarding bonus for the year 2013-2014 and the demand was 20% from the salary as bonus of Rs.5000/- and it was not considered by the Management and therefore, the petitioner raised an Industrial Dispute for the reason that Bilateral negotiation between the petitioner/Union and the Management did not result in any settlement. The Conciliation Officer, after conducting the proceedings, has submitted the Conciliation Failure Report, bearing Na.Ka.No.A/1324/2014 dated 17.06.2015 to the 1st respondent and however, no action has been taken by the 1st respondent for referring the dispute and therefore, the petitioner came forward to file this writ petition.

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

4 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to take into consideration the Conciliation Failure Report dated 17.06.2015 submitted by the Conciliation Officer and pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

AP

To

1. The Government of Tamil Nadu,
Rep by its Secretary,
Department of Labour and Employment,
Fort St.George, Chennai - 600 009.
2. The Assistant Commissioner of Labour,
Conciliation 1,
Irungattukottai,
Sriperumbathur.

+1 cc to M/S.K.Sudalaikannu, Advocate (sr.52851)

W.P.No.30606/2015

PPA (co)
cp 26/10/2015