

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.3379 of 2015

HIL Employees Union,
Regn. No.399/TVR
Rep. By its Secretary,
No.15, Velalar Street,
Minjankaranai Village Post,
Periyapalayam Via
Tiruvallur District - 601 102. ... Petitioner

v.

The Government of Tamil Nadu,
Rep. By its Secretary,
Department of Labour and Employment,
Chennai. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the respondent Government to pass orders with regard to the reference of the Industrial Dispute covered by the conciliation failure report bearing Ref. No. Na. Ka. No. A/409/13, dated 27.5.2014 under Section 10(1) of the Industrial Disputes Act expeditiously and within such time as stipulated by this Honourable Court.

For Petitioner : Mr.K.Sudalai Kannu
For Respondent : Mr.R.M.Muthukumar
Government Advocate

ORDER

The Employees Union has filed the above writ petition to issue a Writ of Mandamus, directing the respondent to refer the industrial dispute covered by the conciliation failure report dated 27.5.2014 under Section 10(1) of the Industrial Disputes Act expeditiously and within a stipulated time.

2. The learned counsel appearing for the petitioner submitted that since the workers of M/s.HIL Limited are paid very low wages, the union raised Industrial Dispute on 5.7.2013 before the Assistant Commissioner of Labour (Conciliation), Chennai and the conciliation proceedings did not bring out any amicable settlement between the parties. Therefore, Conciliation Officer issued a failure report on 27.5.2014 and forwarded the same to the Government for passing appropriate orders. Further, according to the petitioner-union, in spite of the failure report dated 27.5.2014, the respondent had not referred the matter for adjudication.

3. Mr.R.M.Muthukumar, learned Government Advocate takes notice for the respondent and submitted that the respondent may be directed to refer the matter for adjudication within a stipulated time.

4. Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the respondent to refer the industrial dispute covered by the conciliation failure report dated 27.5.2014 under Section 10(1) of the Industrial Disputes Act for adjudication within a period of four weeks from the date of receipt of a copy of this order.

With this observation, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

Rj

To

The Secretary,
Government of Tamil Nadu,
Department of Labour and Employment,
Chennai-600 009

+1 CC to Mr.K.Sudalaikannu, Advocate SR 7465
+1 CC to Government Pleader, Sr.7541

GJ(CO)
PKS
21/02/2015

W.P.No.3379 of 2015

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