

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.36850/2015 & MP.No.1/2015

Naser Bali [Gloves] Pvt Ltd
Glove Division, rep.by its Director
Mr.P.Anees Ahmed

.. Petitioner

Vs.

- 1.The Secretary, Tamil Nadu Government
Labour & Employment, 7th Floor, Secretariat
St George Fort, Chennai 600 009.
- 2.The Commissioner of Labour
4th Floor, Tamilnadu Labour Welfare Building
DMS Building, Anna Salai, Chennai 600006.
- 3.The Deputy Commissioner of Labour
Krishna Nagar, Vellore, Vellore District.
- 4.The Labour Officer-2.
Krishna Nagar, Vellore, Vellore District.
- 5.Leather & Leather Goods Democratic
Labour Union,
rep.by its President,
1185, Cutchery Road
Vaniyambadi 635751.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents from conducting any further conciliation proceedings directly or indirectly related to ID No.35/2015 which is pending disposal before the 1st respondent and consequently close the proceedings in the guise of enquiry in strike notice in form O pending before the 3rd respondent.

For Petitioner : Mr.A.K.Raghavulu
For R1 to R4 : Mr.S.Diwakar, AGP

ORDER

Heard the learned counsel for the petitioner and Mr.S.Diwakar, learned Additional Government Pleader accepting notice for the respondents 1 to 4 and with their consent, the writ petition is taken up for final disposal. Since the writ petition is disposed of at the admission stage itself, notice to the 5th respondent is dispensed with.

2 The petitioner is a Private Limited Company engaged in the manufacturing of leather gloves. The petitioner seeks for issuance of a writ of mandamus to forbear the Labour Officer/4th respondent from conducting any further conciliation proceedings directly or indirectly relating to ID No.35/2015 which is pending and consequently, to close the proceedings.

3 The learned counsel for the petitioner would submit that already the conciliation proceedings were held by the 4th respondent and no settlement was arrived at and therefore, a Failure Report has been submitted by the 4th respondent on 22.06.2015 under section 2-K of the Industrial Disputes Act, 1947, which has been received by the Government through the Commissioner of Labour dated 04.09.2015. This is evident from the information secured by the petitioner under the Right to Information Act, 2005, from the Labour and Employment Department, vide letter dated 21.09.2015. The grievance of the petitioner is that in spite of the Failure Report, once again notice has been issued by the 4th respondent and therefore, the petitioner would contend that the 4th respondent is unnecessarily attempting to put pressure on the petitioner/Management at the instance of the Labour Union.

4 In my view, on the facts stated by the petitioner in this writ petition, the relief sought for cannot be granted. However, the petitioner/Management is at liberty to state before the Labour Officer, viz., 4th respondent that already the conciliation is failed and the Failure Report has been furnished and without taking note of the settlement which is in force till 2017, fresh proceedings cannot be initiated by the 4th respondent.

5 In the light of the above, liberty is granted to the petitioner to submit a detailed representation in this regard to the 4th respondent, along with a copy of this order. If such representation is submitted, the 4th respondent should consider the fact as to whether for the very same issue, already a Failure Report has been submitted by him to the Government on 22.06.2015 and in such an event, the question would be as to whether there can be any conciliation at all. Without considering these aspects, the 4th respondent cannot mechanically

issue notices to the petitioner/Management and compel them to attend the hearing when already a Failure Report has been given by the 4th respondent on 22.06.2015.

6 With the above observation, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP
To

- 1.The Secretary, Tamil Nadu Government
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- 5.The President
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+1 cc to the Government Pleader sr.62955
+1 cc to Mr.A.R.Raghulu Pradeep Advocate sr.62604

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