

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.33339 of 2013

N.M.R.Employees Union

(Regn. No.910 NAT),

Tiruppathur Co-operative Sugar Mills,
Kethandapatti,

Vellore District - 635 815

Represented by its Secretary,

M.Kumar

... Petitioner

v.

1.The Government of Tamil Nadu,
Rep. By Secretary to Government,
Labour and Employment Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Sugars,
No.474, Anna Salai, Chennai - 600 035.

3.The Presiding Officer,
Labour Court, Vellore District.

4.The Labour Officer,
Labour Office II, Vellore District.

5.The Management,
Tirupattur Co-op. Sugar Mills Ltd.,
No.TS-01, Kethandapatti - 635 815
Vellore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the 1st respondent to make reference under Sec.10(1) of the Industrial Dispute Act for adjudication in pursuant to the failure report issued by the 4th respondent in Na.Ka.No.37312, dated 18.12.2012 regarding regularization of service of the members of the petitioner union in the 5th respondent mill.

For Petitioner

: Mr.J.Muthukumaran

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents

: Mr.R.M.Muthukumar,
Govt. Advocate - for R1, R2 & R4
Mrs. G. Thilagavathi for R5

ORDER

The above writ petition has been filed by the Employees Union to direct the first respondent to make reference under section 10(1) of the Industrial Dispute Act for adjudication, pursuant to the failure report issued by the fourth respondent dated 18.12.2012 regarding regularization of service of the members of the petitioner union in the fifth respondent mill.

2. Mr.R.M.Muthukumar, learned Government Advocate appearing for the respondents 1, 2 and 4 submitted that the first respondent may be directed to make reference of the failure report dated 18.12.2012, within the stipulated time.

3. 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 first respondent to make reference under section 10(1) of the Industrial Dispute Act for adjudication pursuant to the failure report issued by the fourth respondent dated 18.12.2012 regarding regularization of service of the members of the petitioner union in the fifth respondent mill, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

Rj

To

1. The Secretary to Government,
The Government of Tamil Nadu,
Labour and Employment Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Sugars,
No.474, Anna Salai, Chennai - 600 035.

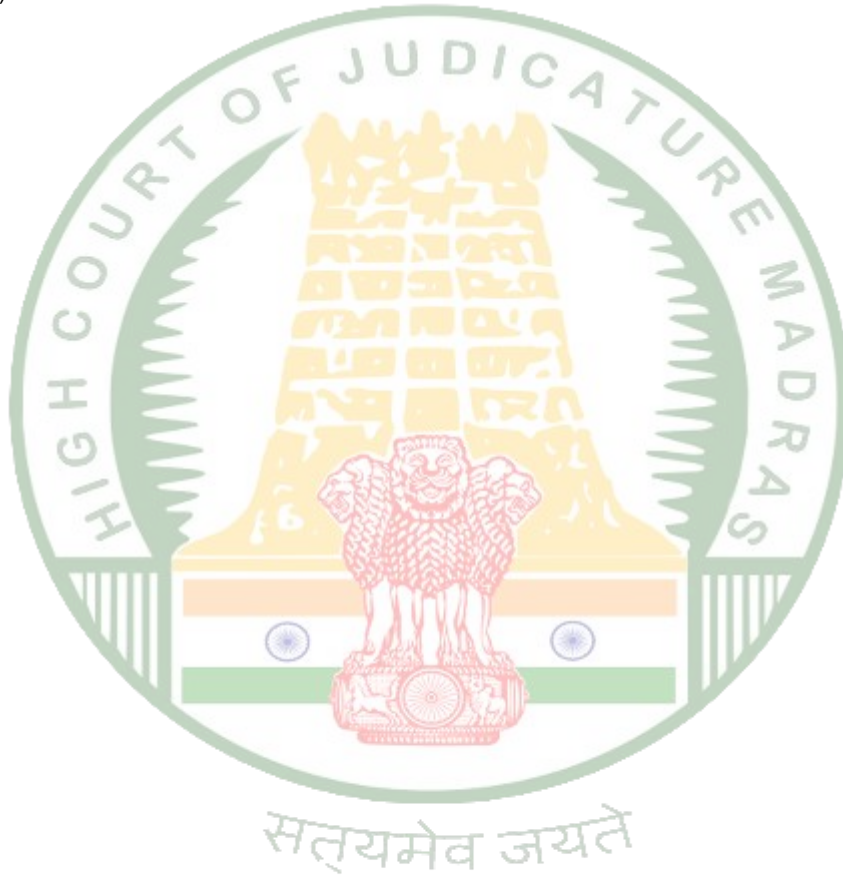
3.The Presiding Officer,
Labour Court, Vellore District.

4.The Labour Officer,
Labour Office II, Vellore District.

1 cc to Mr.J. Muthukumar, Advocate, Sr. 4789
1 cc to Mrs. G. Thilakavathi, Advocate sr. 5184
1 cc to Government Pleader, sr. 4763

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