

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14252 of 2016 &

W.M.P.No.12447 of 2016

N.Murali

.. Petitioner

Versus

1.The Regional Labour Commissioner (Central),
Office of the Regional Labour Commissioner,
26, Haddows Road,
Shastri Bhavan, Chennai-600 006.

2.The Branch Manager,
Lakshmi Vilas Bank,
100, Gandhi Road,
Srirangam, Trichy-620 006. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the first respondent to commence Conciliation Proceedings forthwith in respect of the Industrial Dispute raised by the petitioner in connection with the order of termination of his service dated 24.03.2016 issued by the second respondent and consequently direct the second respondent to await the resolution of the said Industrial Dispute before giving effect to the said order of termination.

For Petitioner : Mr.G.Rajkumar

For Respondents : Mr.T.R.Sathiya Mohan for R2

O R D E R

Heard Mr.G.Rajkumar, learned counsel appearing for the petitioner and Mr.T.R.Sathiya Mohan, learned counsel, accepting notice on behalf of the second respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed the above Writ Petition, for issuance of a Writ of Mandamus, to direct the first respondent to commence Conciliation Proceedings forthwith in respect of the Industrial Dispute raised by him in connection with the order of termination of his service dated 24.03.2016 issued by the second respondent and consequently direct the second respondent to await the resolution of the said Industrial Dispute before giving effect to the said order of termination.

3. The grievance of the petitioner is that the petitioner's service has been dispensed with by the second respondent Bank. This according to the petitioner is illegal. In this regard, the petitioner has filed a compliant before the first respondent under Section 2(k) read with 2A of the Industrial Disputes Act, 1947.

4. It appears that the said complaint was sent by registered post. However, it is seen that there is no acknowledgment produced by the petitioner to show that the complaint has been received by the first respondent. In any event, the petitioner could have appeared in person before the first respondent and presented the petition. However, since the petitioner has not done so, there will be a direction to the petitioner to appear before the first respondent along with a copy of this order and the copy of a fresh representation, which shall be received by the first respondent and thereafter, the first respondent shall proceed in accordance with law, within a period of three weeks from the date on which, the petitioner appears before the first respondent. It is needless to say if the first respondent commences the Conciliation Proceedings, notice should be sent to the second respondent.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

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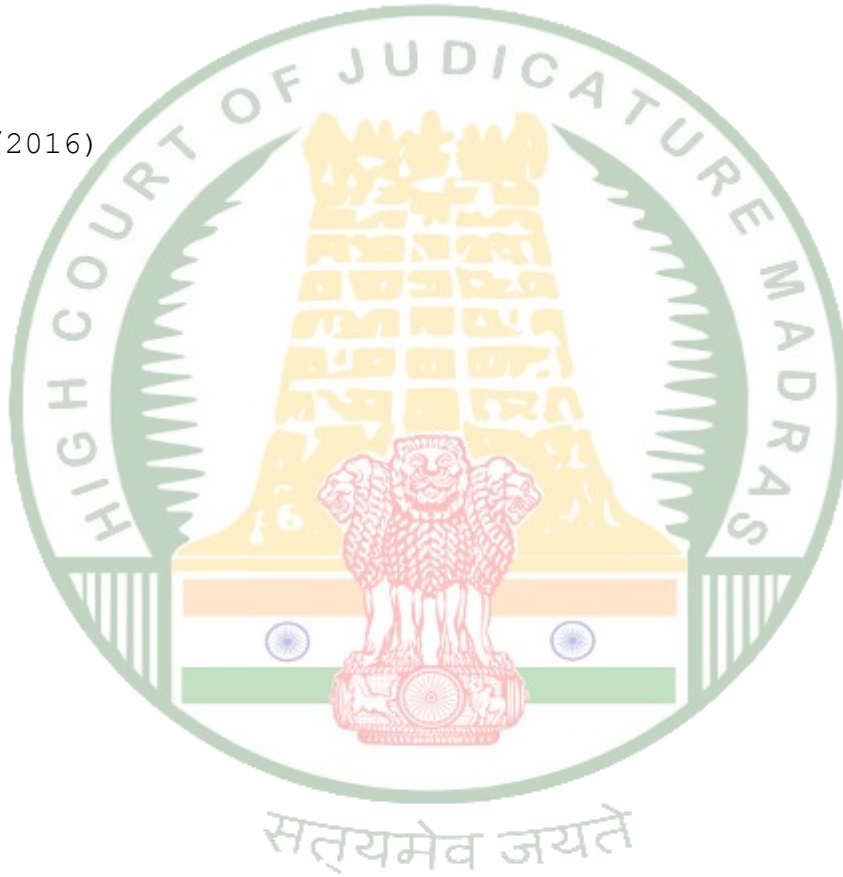
Sub Assistant Registrar

To

The Regional Labour Commissioner (Central),
Office of the Regional Labour Commissioner,
26, Haddows Road,
Shastri Bhavan, Chennai-600 006.

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GJ II [co]
srg(11/05/2016)



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