

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2016

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM

W.P.No.40190 of 2015

New Democratic Labour Front
Kamaz Vectra Motors Limited Branch,
Rep. By its Secretary, Hosur

.. Petitioner

-vs-

- 1.Government of Tamil Nadu
Rep. By its Secretary,
Labour and Employment Department,
Fort St. George, Chennai-9
- 2.The Commissioner of Labour,
DMS Complex,
Teynampet, Chennai.
- 3.The Joint Director of Industrial Safety
& Health, Mookkandapalli,
Hosur-635 126
- 4.The Management,
Kamaz Motors Ltd.,
No.7 & 8, SIPCOT, Hosur.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd and 3rd respondents to pass orders on the representation made by the petitioner union dated 10.09.2015 and 22.09.2015 to cancel the contract license in favour of the 4th respondent under the Contract Labour (Regulation & Abolition) Act, 1979.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.R.Rajeswaran
SplG.P. For RR 1 to 3

: Mr.Sanjay Mohan for R-4

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O R D E R

Heard Mr.B.Saravanan, learned counsel for the petitioner Union, Mr.R.Rajeswaran, learned Government Advocate for respondents 1 to 3 and Mr.Sanjay Mohan, learned counsel appearing for the fourth respondent-Management.

2.In this writ petition, the petitioner seeks for a direction to pass orders on their representation to cancel the contract licence issued in favour of the fourth respondent-management under the provisions of the Contract Labour (Regulation & Abolition) Act, 1979. As per the written instructions given by the third respondent, it appears that the petitioner has not approached the competent authority under the said Act with any grievance. So far as the factory licence is concerned, the competent authority would be the Director of Industrial Safety and Health. However, it appears that the petitioner's grievance is under the provisions of the Contract Labour (Regulation and Abolition) Act.

3.In such circumstances, at this juncture, the direction sought for cannot be granted. However, it is left open to the petitioner to approach the competent authority under the Contract Labour Act. If such application is filed, the same shall be looked into on merits and after notice to the parties and the management. It is stated that the management has already filed an application. If that be so, in both the cases - the one to be filed by the petitioner union and the other one already filed by the management on 07.09.2015, the parties shall be heard in person.

4.Writ petition, accordingly, stands disposed of. No costs.

-s/d-

Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

sra
To

1.The Secretary,
to Government of Tamil Nadu
Labour and Employment Department,
Fort St. George, Chennai-9

2.The Commissioner of Labour,
DMS Complex, Teynampet, Chennai.

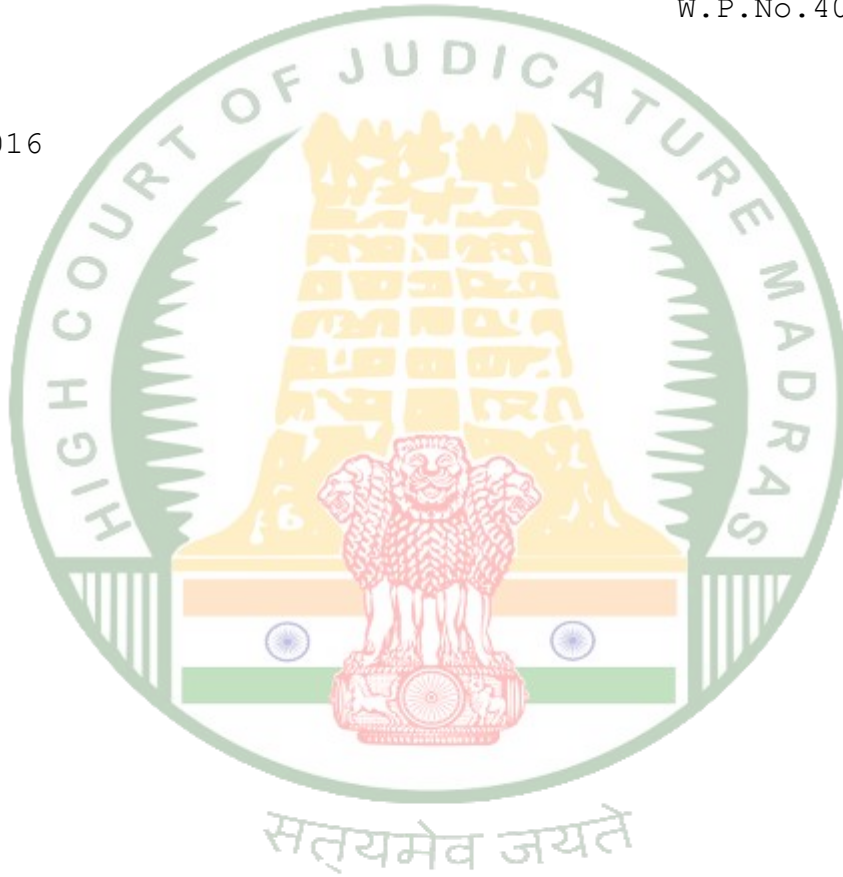
3.The Joint Director of Industrial Safety
& Health, Mookkandapalli,
Hosur-635 126

+1 cc to M/S.Ramasubramaniam & Associates
Advocate sr.3650/16

+ 1 cc to The Govt.Pleader, Sr 3716 (2/5/16)

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