

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2016

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM

W.P.No.40199 of 2015

New Democratic Labour Front
Kamaz Vectra Motors Limited Branch,
Rep. By its Secretary, Hosur-635 109 .. Petitioner

-vs-

1. Government of Tamil Nadu
Rep. By its Secretary,
Labour and Employment Department,
Fort St. George, Chennai.
2. The Special Deputy Commissioner
of Labour, Office of the Commissioner
of Labour, 4th Floor, DMS Complex,
Teynampet, Chennai.
3. The Labour Officer (Conciliation),
Krishnagiri.
4. The Management,
Kamaz Motors Ltd.,
No.7 & 8, SIPCOT, Hosur-635 109 .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd respondent to pass orders on the complaint given by the petitioner union dated 14.07.2014 under Section 31 of the I.D. Act 1947.

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 has sought for a direction to the second respondent to pass orders on the complaint given by the petitioner-union under Section 31 of the Industrial Disputes Act, 1947, to prosecute the management. In the affidavit filed in support of the petition in paragraph 6, the petitioner-union has admitted that the management has filed approval petition in I.D.No.74 of 2012 seeking approval of the termination orders and the same is pending before the Labour Court.

3.It is pointed out by the learned counsel for the fourth respondent-management that the petitioner has suppressed the fact that they have filed an interlocutory application before the labour Court to decide as to whether the approval has to be under Section 37(1) of the Act or Section 33(2)(b) of the Act conveniently and when this matter is heard and an order is passed, the question of invoking Section 31 of the Act does not arise.

4.In the light of the above, the prayer sought for cannot be granted at this stage and it is open to the petitioner to prosecute their interlocutory application filed in I.D.No.74 of 2012.

5.Writ Petition accordingly stands disposed of. No costs.

-s/d-

Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

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To

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

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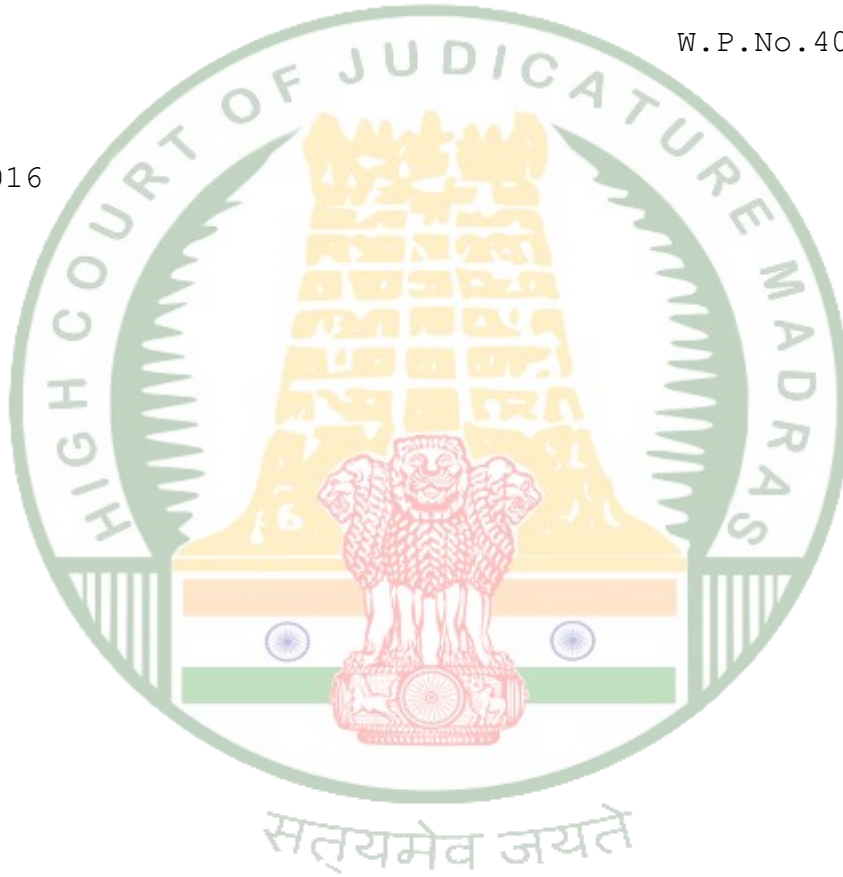
2.The Special Deputy Commissioner
of Labour, Office of the Commissioner
of Labour, 4th Floor, DMS Complex,
Teynampet, Chennai.

3.The Labour Officer (Conciliation),
Krishnagiri.

+1 cc to M/S.Ramasubramaniam & Associates Advocates
sr.3649/16

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