

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.29793 of 2016

and

WMP.No.25789 of 2016

The Management of AVTEC,
AVTEC Limited,
Poonapalli Village,
Mathagondapalli Post,
Hosur-635 114
rep. by its Executive Vice President ... Petitioner

Vs

1. The Labour Officer,
18, Savetha Gounder Street,
Near Columbo Store,
Bangalore Road,
Krishnagiri.
2. The Government of Tamilnadu
rep. by its Secretary,
Department of Labour and Employment,
Fort St. George,
Chennai-9.
3. AVTEC Thozhilalar Munnetra Sangam,
(Reg. No.217/DRP)
rep. by its General Secretary,
Mathagondapalli Post,
Hosur-635 114. ... Respondents

Writ Petition filed to issue a Writ of Mandamus, directing the 2nd respondent i.e. The Secretary, Government of Tamil Nadu, Labour and Employment Department, to consider the failure report submitted by the 1st respondent and pass orders referring the demands of the management for adjudication before the Industrial Tribunal, Chennai.

For Petitioner : Mr.R.Karthik
for M/s.S.Ramasubramaniam &
Associates

For Respondents : Mr.T.M.Pappiah,
1 and 2 Special Government Pleader

For 3rd respondent : Mr.V.Prakash,
Senior Counsel
for Mr.K.Sudalaikannu

O R D E R

The petitioner Management has come before this Court, seeking a direction to the 2nd respondent to consider the Failure Report submitted by the 1st respondent dated 08.05.2015 and pass orders referring the demands of the management for adjudication before the Industrial Tribunal, Chennai.

2. The petitioner is running an Industry and the 3rd respondent is the Labour Union. The 3rd respondent and the petitioner entered into a settlement under Section 12(3) of the Industrial Disputes Act for wage revision, lastly on 01.07.2011, for a period of 3 years. Thereafter, the Union submitted charter of demands to the petitioner on 12.06.2014 wherein the challenges faced by the management has been clearly spelt out.

3. The 3rd respondent approached the Labour Officer-Conciliation under Section 2(k) of the Industrial Disputes Act by filing their charter of demands. On notice, the petitioner entered appearance and submitted a detailed reply and in addition, it has also submitted their charter of demands to the Labour Officer. The conciliation ended in failure and a Failure Report was passed by 1st respondent on 08.05.2015. Therefore, the 3rd respondent filed a Writ Petition in W.P.No.16349 of 2015 seeking a direction to the Labour Officer to forward the Conciliation Report dated 08.05.2015 to the Government and consequently, direct the Government to pass orders with regard to the reference of the dispute under Section 10(1) of the Industrial Disputes Act. The said Writ Petition was disposed of by this Court on 10.06.2015 giving a direction as prayed for.

4. The 2nd respondent through his order dated 13.01.2016 referred 12 demands of the 3rd respondent Union for adjudication before the Industrial Tribunal-cum-Labour Court, Chennai and the same has been numbered as I.D.No.08/2016. Therefore, the petitioner Management has come before this Court seeking similar reliefs with regard to their demands.

5. Heard Mr.R.Karthik, learned Counsel representing Mr.S.Ramasubramaniam and Associates, Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.V.Prakash, learned Senior Counsel appearing for the 3rd respondent.

6. Though the learned Counsel for the petitioner would find fault with the 3rd Respondent Union for getting an order from this Court, without making the Management as a party, Mr.V.Prakash, learned Senior Counsel appearing for the 3rd respondent would submit that he has got no objection for allowing this writ petition thereby directing the 2nd respondent to consider the Failure Report submitted by the 1st respondent on 08.05.2015 and pass orders with regard to the demands of the petitioner Management for adjudication before the Industrial Tribunal.

7. Recording the same, the Writ Petition is disposed of accordingly and the said exercise is directed to be done within six weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Labour Officer,
18, Savetha Gounder Street,
Near Columbo Store, Bangalore Road,
Krishnagiri.

2. The Secretary,
Government of Tamilnadu,
Department of Labour and Employment,
Fort St. George,
Chennai-9.

+1cc to the Government Pleader, S.R.No.49839

W.P.No.29793 of 2016

SR(CO)

CA(21/09/2016)