

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.8983 of 2016

Ambattur Industrial Estate,
Engineering Employees' Union,
rep. by its General Secretary
Chennai-53

...Petitioner

Vs.

1. The Assistant Commissioner of Labour,
Conciliation II, Kuralagam,
Chennai - 600 108.

2. The Management of
Hindustan Coca Cola Beverages Private Limited.
Madura Nemam Village, Nemam Post,
Thiruvallure District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the first respondent to submit a failure report in Ref No. Na.Ka.A/369/2010 in the conciliation proceedings under Section 12 (4) of Industrial Disputes Act, 1947, and to send the same to the Government for reference before the competent court

For Petitioner : No Appearance

For Respondent-1 : Mr.R.Rajeswaran
Special Government Pleader

For Respondent-2 : Mr.S.Ravindran

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O R D E R

The petitioner has filed this Writ Petition, for issuance of Writ of Mandamus, directing the first respondent to submit a failure report in Ref No.Na.Ka.A/369/2010 in the conciliation proceedings under Section 12 (4) of Industrial Disputes Act, 1947, and to send the same to the Government for reference before the competent court.

2. Heard the learned counsel appearing for the parties.

3. Counter affidavit has been filed by the second respondent/Management, stating that the dispute was taken up for conciliation by the first respondent, and the second respondent/Management had filed their replies, dated 17.08.2010 and 09.09.2010, and requested the first respondent to close the proceedings. It is stated that, subsequently, a Settlement under Section 18 (1) of the Industrial Disputes Act, 1947, was entered into between the second respondent/Management and the petitioner/Union, and the deponent to the affidavit filed in support of this Writ Petition, was a signatory to the said Settlement in the capacity of General Secretary of the petitioner/Union.

4. In the light of the above, the Writ Petition is closed, leaving it open to the petitioner/Union to workout their remedy, in the manner known to law. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Assistant Commissioner of Labour,
Conciliation II, Kuralagam,
Chennai - 600 108.
2. The Chairman
The Management of
Hindustan Coca Cola Beverages Private Limited.
Madura Nemam Village, Nemam Post,
Thiruvallure District.

+1 cc to Government Pleader sr 21743
+1 cc to Mr.V.Anandan Advocate sr.21483
+1 cc to Mr.S.Ravindran Advocate sr.21428

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