

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.485 of 2017

and

C.M.P.Nos.7261 and 13350 of 2017

Puthiya Jananayaga Thozhilalar Munnani
(Regn. No.43/TVR) Axles India Branch
Rep by its Secretary
1/71 Amman Koil Street
Mecheri Village & Post
Arcot Taluk Velur District.

Appellant/Petitioner

Versus

1 Government of Tamil Nadu
Rep by its Secretary
Labour and Employment Department
Fort St. George Chennai-600009.

2 The Labour Officer
(Conciliation) Vellore.

3 The Management
Axles India Pvt Ltd Vadamavanthal Village
Namandi Post Cheyyar Taluk- 604 410.

Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 29.12.2016 passed in W.P.No.44768 of 2016 on the file of this court.

WP.NO.44768/2016:Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the 3rd respondent from altering the service conditions of the members of the Trade Union i.e. E.Ananthan (Empl. No.20543) B.Karthikeyan (Empl. No.20557) & S.Saravanan (Empl. No.10216) in any manner including discontinuance of service without getting prior permission under Section 33 of the Industrial Disputes Act 1947 in the industrial dispute raised by the petitioner union with regard to questioning the domestic enquiry which are pending conciliation before the 2nd respondent as Dispute in Na.Ka. No.912/ 2016 and further direct the conciliation officer viz. 2nd respondent to conciliate and effect settlement under Section 12(3) and if no settlement is forth coming to submit failure report under Section 12(4) of the

Industrial Disputer Act 1947 and in turn, direct the first respondent to refer the dispute for adjudication before the competent adjudicator.

For appellant : Mr.Parthasarathy

For R1 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For R3 : Mr.C.K.Chandrasekar

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant, learned counsel appearing for the third respondent and the learned Special Government Pleader appearing for the first respondent.

2. It appears that in a controversy between the private industry and the Union, the writ petition is said to have been filed and it came to be dismissed on maintainability against which interim order was obtained from this court. However, it appears, on examination, that efficacious remedy is open to the appellant to move the Labour Officer for conciliation who is the fact finding authority as the matter requires consideration on facts and it cannot be adjudicated in the writ petition and writ jurisdiction cannot be abused to serve the ends of Union. In the matters where fact finding is required for adjudication, the parties cannot be permitted to resort to have a cut short method of filing writ petitions which is unknown to law.

3. In the circumstances, granting liberty to the appellant to approach the Labour Officer or the Labour court as the case may be, the writ appeal is disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

// True Copy//

Sub Assistant Registrar

To:

1 The Secretary
Government of Tamil Nadu
Labour and Employment Department
Fort St. George Chennai-600009.

2 The Labour Officer
(Conciliation) Vellore.

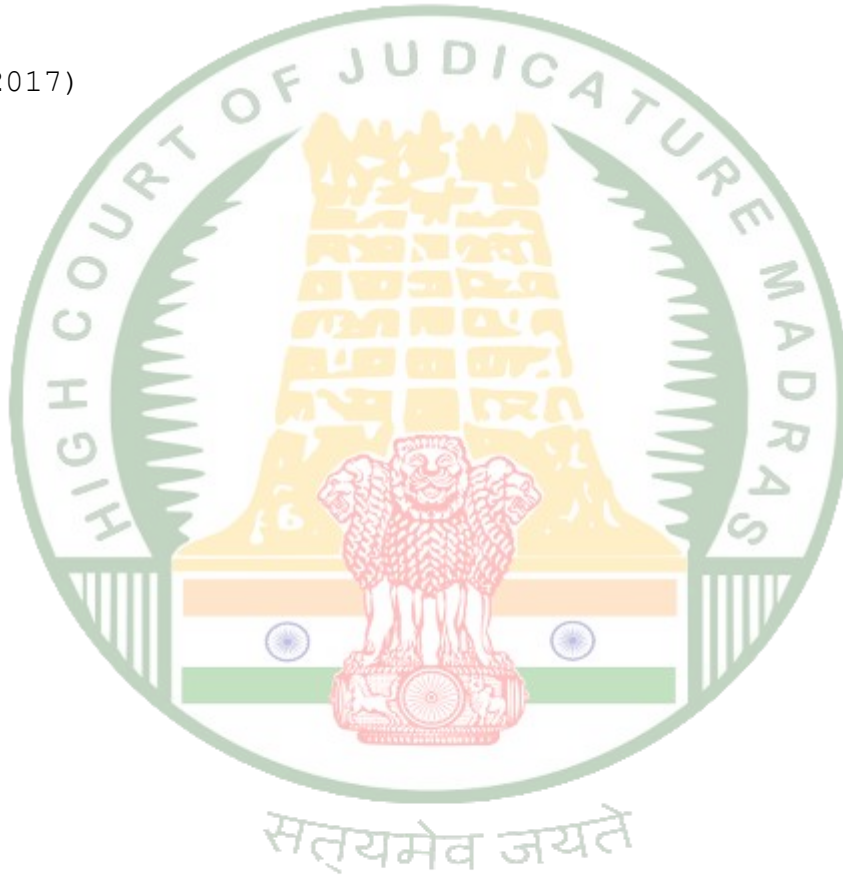
3 The Management
Axles India Pvt Ltd Vadamavanthal Village
Namandi Post Cheyyar Taluk- 604 410.

+1cc to Mr.C.K.Chandrasekaran, Advocate SR.No.73792

+1cc to Government Pleader SR.No.74411

W.A.No.485 of 2017

VGII(CO)
GN(23/11/2017)



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