

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH.

W.P.No.3199 OF 2017

A.Arumugam (PR No.18331)
S/o Ammasiyan
Driver TNSTC Ltd
3/101A, Karappadi, A.Nagoor,
Poosari Patti 642 205,
Pollachi (Tk),
Coimbatore (Dt).

...Petitioner

versus

1. Labour Officer (Conciliation),
Deputy Commissioner of Labour Office,
Dr.Balasundram Road,
Coimbatore - 641 018.
2. Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.
Represented by its Managing Director.

...Respondents

Prayer:- Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records pertaining to order Na.Ka.No.A/774/2016, dated 20.12.2016 passed by the 1st respondent and to quash the same consequently, directing the 1st respondent to take the petition dated 14.12.2016 on his file and to initiate conciliation proceedings against the dismissal order passed by 2nd respondent dated 23.09.2016.

For Petitioner : Mr.A.Rajendiran

For Respondents : Mr.R.A.S.Senthilvel, AGP for R1
Mr.P.Kannan Kumar for R2.

ORDER

The petitioner made a representation on 15.12.2016 before the first respondent seeking to conciliate the dispute raised by him with the second respondent. The said request was rejected by the second respondent on the technical premise that the petitioner was working at Pazhani Branch and therefore, the request made by the petitioner is not maintainable.

2. As rightly submitted by the learned counsel appearing for the petitioner, the order of dismissal has been passed by the second respondent alone. Thus, the said Authority has to be called for conciliation by the first respondent. If that is the case, the first respondent has certainly got jurisdiction to conciliate.

3. In view of the matter, the order impugned is hereby set aside. Consequently, the first respondent is directed to take up the request of the petitioner dated 15.12.2016 and commence the conciliation with the second respondent.

4. With the above direction, the writ petition is allowed. No costs.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. Labour Officer (Conciliation)
Deputy Commissioner of Labour Office,
Dr.Balasundram Road,
Coimbatore - 641 018.
2. Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.
Represented by its Managing Director.

+1cc to Mr.P.Kannan Kumar, Advocate SR.No.17499
+1cc to the Government Pleader SR.No.17361
+1cc to Mr.A.Rajendren, Advocate SR.No.17285

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RK(CO)
GN(07/04/2017)