

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.32897 of 2017

The Workmen
Represented by the Secretary
India Radiators Employees' Union
(Regn.No.4/CPT)
Puzhal, Chennai-600 066 ...Petitioner
Vs.

- 1.The Special Deputy Commissioner of Labour
4th Floor, Labour Welfare Building
DMS Compound, Chennai-600 006
- 2.The Management
India Radiators Ltd.,
Puzhal, Chennai-600 066 ...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for a Writ Of Mandamus directing the 1st respondent herein to initiate conciliation proceedings and subscribe to the settlement dated 22.11.2017 by converting the same under Section 12(3) of the Industrial Disputes Act, 1947, and also declaring that the two reasons cited by the 1st respondent for her reluctance to sign the settlement under Section 12(3) of the Industrial Disputes Act, were unfounded.

For Petitioner : Mr.K.M.Ramesh
For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.
For R1.
Mr.G.Anand for M/s.T.S.Gopalan & Co
for R2.
Mr.Balan Haridoss for Employees Union.

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O R D E R

This Writ Petition has been filed by the Secretary of India Radiators Employees Union, Puzhal, seeking Writ of Mandamus, to direct the Special Deputy Commissioner of Labour, 1st respondent herein, to initiate conciliation proceedings and subscribe to the settlement dated 22.11.2017 by converting the same under Section 12(3) of the Industrial Disputes Act, 1947, and also declaring that the two reasons cited by the 1st respondent for

her reluctance to sign the settlement under Section 12(3) of the Industrial Disputes Act, were unfounded.

2. When the matter was taken up, Mr.K.M.Ramesh, learned counsel for Petitioner-Indian Radiators Employees' Union and Mr.G.Anand, learned counsel for the 2nd respondent-Management, fairly submitted that a direction as sought for, may be issued to the 1st respondent, since the parties have entered into a settlement under Section 18(1) of the Industrial Disputes Act, 1947, and the same has to be substituted in the place of settlement reached under Section 12(3) of the Industrial Disputes Act, 1947.

3. Mr.Balan Haridoss, learned counsel appearing for other Employees Union, whose clients were not made as party in this writ petition, submits that some of the members of the Petitioner Union have not been heard. He further submits that before accepting Section 18(1) settlement in lieu of Section 12 (3) Settlement, other split group of the Petitioner Union shall be heard by the 1st respondent.

4. I also find some force in the above said submission. Hence, the 1st respondent is directed to initiate conciliation proceedings and subscribe to the settlement under Section 18(1) of the Industrial Disputes Act, 1947, reached by the Parties, substituting the settlement dated 22.11.2017 under Section 12(3) of the Industrial Disputes Act, 1947, after hearing all the members of the Petitioner Union.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

nvsri

To

1.The Special Deputy Commissioner of Labour
4th Floor, Labour Welfare Building
DMS Compound, Chennai-600 006

2.The Management
India Radiators Ltd.,
Puzhal, Chennai-600 066

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+1 cc to Govt Pleader sr 92564
+1 cc to M/s.T.S.Gopalan Advocate sr 91874
+1 cc to M/s.K.M.Ramesh Advocate sr 91785

W.P.No.32897 of 2017

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