

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.15771 of 2016
& W.M.P.No.13683 of 2016

Tamil Nadu State Marketing Corporation

Employees Progressive Union (Reg No.3132/CNI),
Represented by its State President,
No.25, Thyagaraya Street, T.Nagar,
Chennai-600 017.

..... Petitioner

- Vs -

1.The State of Tamil Nadu,
Rep., by its Secretary,
Labour & Employment (A-1) Department,
Fort St. George, Chennai.

2.The Assistant Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai-600 006.

3.Tamil Nadu State Marketing Corporation
Limited, (TASMAC), 4th floor,
Thalamuthu Natarajan Maaligai,
Gandhi Irvin Road, Egmore,
Chennai-600 008.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in connection with the impugned order dated 19.09.2014 in G.O.(D) No.432, quash the same and direct the first respondent to refer the charter of demands of the petitioner Union in the year 2006 to the Industrial Tribunal.

For Petitioner : Mr.T.Ramkumar

For Respondents: Mr.S.Diwakar,
Spl. Government Pleader for R1 & R2
Mr.B.Nedunchezian for R3

ORDER

About 45 demands having been raised by the petitioner touching upon various issues pertaining to confirmation, fixation of pay scale, bonus, house allowance and other incidental benefits, the first respondent has gone into the merits of the demands and declined the reference. Challenging the same, the present writ petition has been filed.

2. As rightly submitted by the learned counsel for the petitioner, the first respondent has clearly exceeded his jurisdiction by going into the merits of the case. The decision relied upon by the learned counsel for the petitioner in W.P.No.3789 of 2015 dated 22.12.2015 against the very same respondents would govern the case.

3. Despite notice having been served on the contesting respondent, he has not appeared before this Court.

4. In such circumstance, the order impugned is hereby set aside and the writ petition stands allowed with the consequential direction to the first respondent to refer the dispute raised to the second respondent within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that all the issues are left open to be decided by the second respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

raa

To

1.The Secretary, State of Tamil Nadu,
Labour & Employment (A-1) Department,
Fort St. George, Chennai.

2.The Assistant Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai-600 006.

3.Tamil Nadu State Marketing Corporation
Limited, (TASMAC), 4th floor,
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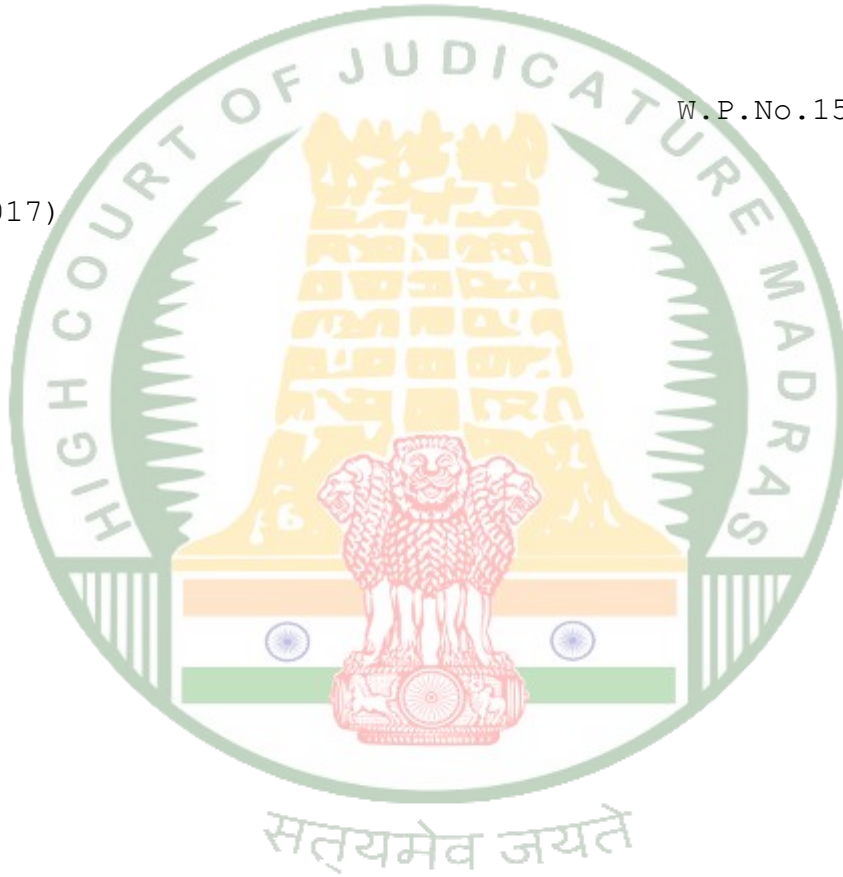
+1cc to Mr.T.Ramkumar,Advocate sr.40501

+1cc to Mr.B.Nedunchezian,Advocate sr.40201

+1cc to Government Pleader sr.40370

W.P.No.15771 of 2016

pvs (co)
ss(22/6/2017)



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