

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P. No.29530 of 2015

United Labour Federation
Rep., by its Secretary, D.Christopher,
No.149, Thambu Chetty Street,
C.J., Complex, IV Floor,
Chennai - 600 001. Petitioner

Vs

1.State of Tamil Nadu,
Rep., by its Secretary,
Ministry of Labour & Employment,
Fort St., George, Chennai - 600 009

2.The Assistant Commissioner of Labour,
(Conciliation)
Sriperumbudur.
Kancheepuram District.

2.M/s.NVH India Auto Parts Private Limited,
Rep., by its Managing Director,
Plot No.B-68,
SIPCOT Industrial Park,
Irungattukottai, Sriperumbudur.
Kancheepuram District.

... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to direct the first respondent herein to exercise the power vested in it under Section 10 of Industrial Disputes Act by referring the dispute of the legality of the Lockout imposed by the third respondent by insisting that the workers should sign an undertaking that includes the clause that they express regret for the stay-in strike on 02.01.2015, and also exercise its powers prohibiting continuance of such lock out on the aforesaid ground under Section 10(3) of Industrial Disputes Act and issue such other or further orders.

For petitioner.. Mr.V.Prakash Senior counsel for
Mr.K.Sudalaikannu

For Respondent.. Mr.Yashod Varadhan Sr., counsel for
Mr.D.Prabhu Mukunth Arunkumar for R3

Mr.K.J.Sivakumar Govt Advocate, for RR1&2

O R D E R

The learned Senior counsel appearing for the parties would submit that the conciliation proceedings have already been concluded as early as on 15.02.2016. Therefore, the first respondent will have to take a decision with respect to the reference.

2. Considering the said submission, the first respondent is directed to take appropriate decision with the issue of reference, which is subject matter of the conciliation proceedings concluded on 15.02.2016, within a period of eight weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pbn
To

1.The Secretary,
State of Tamil Nadu,
Ministry of Labour & Employment,
Fort St., George, Chennai - 600 009

2.The Assistant Commissioner of Labour,
(Conciliation)
Sriperumbudur.
Kancheepuram District.

+1cc to Mr.K.Sudalaikannu, Advocate Sr.16350

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srg 18/04/2017