

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.32176 of 2016
and
W.M.P.No.27912 of 2016

Chennai Yetrumathi Valaga Uzhiyargal
Matrum Podhu Thozhilalar Sangam,
Rep.by its President,
No.15, Kannan Street, Kadaperi,
Tambaram, Chennai - 600 045. ...Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep.by its Secretary to Government,
Department of Labour and Employment,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.Assistant Commissioner of Labour-Conciliation,
Kuralagam, Chennai - 600 001.
- 3.Sanco Trans Limited,
Rep.by its Managing Director,
No.592, Ennoor Express Highway Road,
Ernavoor, Chennai - 600 057.

- 4.Sanco Trans Limited Employees Union,
Rep.by General Secretary,
Regd.No.266/TVR 17/9, 5th Street, V.P.Nagar,
Manali Highway, Chennai - 600 019.

(R-4 is impleaded as per order dated 17.04.2017 in WMP
No.10102/2017 in WP.No.32176/2016.)

...Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India, to issue a writ of mandamus directing the
second respondent to arrive at a settlement with the petitioner
and third respondent and in case of failure of conciliation
submit a report to the first respondent and the first respondent
may be directed to refer the dispute for adjudication under
Section 10(1) of the Industrial Disputes Act, 1947.

For Petitioner : Mr.N.G.R.Prasad for
M/s.Row and Reddy

For Respondents : Mr.S.Diwakar, for R1 & R2
Special Government Pleader.
Mr.Anand Gopalan
for M/s.T.S.Goplan & Co., for R3

ORDER

The petitioner has come forward to file this petition, seeking a direction to the second respondent to arrive at the settlement between itself and the third respondent and in the event of failure of conciliation, submit a report to the first respondent.

2. As rightly submitted by the learned Counsel for the petitioner, the issue is no longer res-integra. It has been decided between the petitioner and the third respondent in an earlier writ petition, W.P.No.38647 of 2016 dated 27.03.2017, wherein it has been held as follows:

"5.Considering the above, this Court is of the view that in as much as the prayer as sought for by the petitioner with respect to the report to the conclusion of the conciliation proceedings and sending of the report to the first respondent with the further direction to the first respondent to refer the dispute to Labour Court, under such an eventuality, for adjudication under Section 10 of the Industrial Disputes Act, 1947 has to be granted and accordingly, the same is granted. The second respondent is directed to arrive at a settlement in the event of an agreement between the petitioner and the third respondent or send a failure to conciliation by way of a report to the first respondent within a period of six weeks from the date of receipt of a copy of this order. If such a report is received as indicated above by the first respondent, the Government is directed to refer it for adjudication under Section 10 of the Industrial Disputes Act, 1947, within a period of six weeks thereafter.

The request made by the learned Counsel for the petitioner that till such time, the third respondent shall not enter into any settlement with any Union or an individual cannot be considered by this Court at this stage. This Court does not want to pass such an order anticipating any action which can be termed as

unlawful. No such order also can be passed prohibiting some one, who is otherwise empowered to do so under law. Accordingly, the request made by the petitioner in that regard is not feasible of consideration by this Court.

6.The writ petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous petition is closed."

Accordingly, this writ petition stands disposed of on the aforesaid terms. No costs. Consequently, connected Miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gsa/abr

To

1.The Secretary to Government,State of Tamil Nadu,
Department of Labour and Employment,
Secretariat, Fort St.George,
Chennai - 600 009.

2.Assistant Commissioner of Labour-Conciliation,
Kuralagam, Chennai - 600 001.

+1cc to Government Pleader sr.25335

+1cc to M/s.Row & Reddy,Advocate sr.24894

+1cc to M/s.T.S.Gopalan & Co,Advocate sr.24902

+1cc to Mr.K.V.Anantha Kumar,Advocate sr.24933

W.P. No.32176 of 2016

sv(co)
ss(3/5/2017)