

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.37644 of 2016

and W.M.P.Nos.32270 and 35556 of 2016

1.Coimbatore District General
Workers Union (Affiliated to CITU)
Rep. by its General Secretary,
1097, 9th Street Extension,
Dr.Radhakrishnan Road,
Tatabad, Coimbatore - 641 012.

.A.Santhamurthy

...Petitioners

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary,
Labour & Employment Department,
Fort St. George, Chennai - 9.

2. The Commissioner of Labour,
DMS Compound,
Teynampet, Chennai - 6.

3. The Labour Officer,
Office of Assistant Commissioner,
Dr.Balasundaram Road,
Coimbatore - 641 018.

4. The Management,
Bhishma Agro Food Products Pvt. Ltd.,
S.F.No.308/1A, 310/4A Achampalayam,
Karey Goundan Palayam Post,
Annur Taluk, Coimbatore - 641 697.

...Respondents

Prayer: This writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent to proceed further with the conciliation proceedings so as to bring amicable settlement and to submit a failure report if there is no possibility to bring a settlement within a specified time; the 1st respondent to refer the disputes raised by the petitioner Union for adjudication to the Competent Tribunal/Labour Court immediately after the receipt of failure

report from the 3rd respondent through the 2nd respondent and the 4th respondent to maintain the status quo as on the date of raising of the 1st dispute regarding wage revision etc and not to alter the condition of service of the workmen concerned/members of the petitioner Union in any manner adversely to their prejudice till the disputes are either settled or adjudicated by the Tribunal/Labour Court and without getting prior permission under Section 33(1)(a) of the ID Act from the 3rd respondent/Labour Court/Tribunal, award cost.

For Petitioner : Mr.R.Krishnaswamy
For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader (For R1 to R3)
Mr.T.K.S.Gandhi (For R4)

ORDER

Heard Mr.R.Krishnaswamy, learned counsel appearing for the petitioners, Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.T.K.S.Gandhi, learned counsel appearing for the fourth respondent.

2.The petitioner Union consist of members who are the employees of the fourth respondent. A set of demands have been raised by the petitioner Union before the Labour Officer requesting him for initiation of the conciliation proceedings. On receipt of the same, the third respondent issued conciliation notice on the 2(K) dispute of the petitioner dated 04.08.2016 in and by communication dated 11.08.2016. Conciliation notice was also issued by the third respondent on the closure notice issued by the fourth respondent. As the said conciliation proceedings are still pending, the present writ petition is filed to conclude the same and thereafter to submit a report within a reasonable time, in the event of no settlement being arrived.

3.The objection of the fourth respondent appears to be with respect to the interim order. An interim order is stated to have been obtained against the closure on the premise that there are more than 100 employees are working. This factum is disputed by the fourth respondent since according to it, the workmen working are about 67 in number and therefore, there is no prior permission required.

4.This Court is of the view that there is no necessity to go into the said issue as only an interim order has been granted on that premise. Accordingly, the third respondent is directed to conclude the conciliation proceedings within a period of six weeks from the date of receipt of a copy of this order. Pending the aforesaid proceedings, Status quo as on today shall be

maintained. It is made clear that if a failure report has already been filed by the third respondent. Then, there is no question of complying with this order since the very writ petition itself would become infructuous in such an eventuality.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

cse

To

1. Government of Tamil Nadu,
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Labour & Employment Department,
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Karey Goundan Palayam Post,
Annur Taluk, Coimbatore - 641 697.
- +1cc to Mr. V. Ajoy Khose, Advocate Sr. 23891
+1cc to Mr. T.K.S. Gandhi, Advocate Sr. 23220
+1cc to the Government Pleader Sr. 23525

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GJII(CO)
VR(24/4/2017)