

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Writ Petition No.4675 of 2016

Caterpillar India Private Ltd.,
Workers Union rep. by its
Vice President V.Ravichandran ... Petitioner

vs.

- 1.The Assistant Commissioner of Labour
(Conciliation), Kuralagam,
Chennai - 104.
- 2.Caterpillar India Private Ltd., rep. by its
Managing Director ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to continue the conciliation proceeding pending under Reference No.249/2013 and issue the conciliation failure report in the event of the conciliation ending in failure.

For Petitioner :Mr.K.Sudalaikannu

For Respondents:Mr.S.Diwakar,
Spl. Govt. Pleader for R1
R2 - No appearance

ORDER

The petitioner raised a dispute qua the transfer, made by the second respondent, of its members to the State of Madhya pradesh. It appears that pending the conciliation proceedings, they have been dismissed from service. Taking note of the subsequent development, the first respondent closed the proceedings giving liberty to the petitioner to raise a dispute with respect to the dismissal orders. Challenging the same, the present writ petition has been filed.

2.Heard the learned counsel for the petitioner. None appears for the second respondent today as was the case earlier.

3.As rightly submitted by the learned counsel for the petitioner, it is not the case of the first respondent that the issue pertaining to the transfer would not come under the purview of conciliation proceedings. It is also not in dispute that pursuant to the transfer orders passed, as a consequence, all the members of the petitioner not joining thereof, the orders of dismissal have been passed.

4.In such view of the matter, the first respondent should have sent the conciliation report to the Government. Accordingly, the order impugned is set aside and the writ petition is allowed. Consequently, the first respondent is directed to conciliate on the issue of transfer sought to be raised by the petitioner within a period of four weeks from the date of receipt of a copy of this order and thereafter send conciliation report to the Government within a further period of two weeks. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mmi

To

The Assistant Commissioner of Labour
(Conciliation), Kuralagam,
Chennai - 104.

+1cc to Mr.K.Sudalaikannan, Advocate Sr.18985

rj[co]
srg 11/4/2017