



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.2829 of 2012
against W.P. No. 39896 of 2002.

The Secretary
Kancheepuram Murugan Silk Co-operative Society
Weavers' Union
50-C T.K.Nambi Street,
Kancheepuram-631 503.

...Appellant/2nd Respondent

-vs-

1. The Presiding Officer,
Industrial Tribunal,
Tamil Nadu, Chennai-600 104.
2. The Management of Kancheepuram
Murugan Silk Weavers' Co-operative
Production and Sales Society Ltd.,
No.79, Gandhi Road,
Kancheepuram-631 501.

...Respondents/1st Respondent/Petitioner

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.39896 of 2002 dated 20.10.2011.

W.P.No.39896 of 2002:

Petition filed under Article 226 of the constitution of India for the issuance of a Writ of certiorari, cases for the records of the first respondent in I.D. No. 25/1997 and quash its award dated 21.03.2002.

For Appellant :: Mr.K.V.Ananthakrushnan
For Respondents:: Mr.Anand Gopalan for
Mr.T.S.Gopala Rao for R2

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The matter is with regard to applicability of G.O.(D)No.39 dated 18.01.1994 fixing minimum wages of employment to the workmen of the appellant-Union who are working in the second



respondent Industry. In this regard, the second respondent filed a writ petition in W.P.No.39896 of 2002 to quash the award made in I.D.No.25 of 1997 dated 21.03.2002 by the first respondent Tribunal, wherein the Tribunal has allowed the claim of the Union. The learned single Judge, considered the matter elaborately and passed a detailed order allowing the writ petition, by order dated 20.10.2011.

2.Challenging the same, the present writ appeal has been filed by the appellant/Union.

3.Arguments were advanced on both sides. After some arguments, the learned counsel for the second respondent has submitted that a decision has to be taken by the second respondent by passing a Resolution regarding enhancement of piece rate, as the industry is suffering loss in production and for supply of the goods. He submitted that both the elected representatives of the appellant-Union and the second respondent Management can participate in the said process.

4.Considering the said submission, we are of the view that there is ample chance of resolving the dispute, if a Resolution is passed regarding enhancement of piece rate of the material, as put forth by the learned counsel for the second respondent. Hence, the writ appeal is disposed of directing the second respondent-Management to take a decision in respect of enhancement of piece rate, by passing a Resolution, by issuing notice to the elected members of the appellant-Union and also the other members for enhancement of the piece rate, so that the matter would be resolved. No costs.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

KM
To

The Presiding Officer,
Industrial Tribunal,
Tamil Nadu, Chennai-600 104

W.A.No.2829 of 2012

SP(16/08/2018)