

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.16247 of 2005

1.The Management of E.I.D. Parry (India) Limited,
Represented by its Secretary,
Dare House,
234 N.S.C. Bose Road,
Chennai-600 001.

2.The Management of Corromandel Fertilisers Ltd.,
Represented by its General Works Manager,
Ennore,
Chennai-600 057.

... Petitioners

Vs

1.The Assistant Commissioner of Labour,
(Conciliation-II),
Kuralagam,
Chennai-600 108.

2.Socialist Labourer Union,
Represented by its General Secretary,
No.19/7, Esani Murthy Street,
Thiruvottiyur,
Chennai-600 019.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the first respondent from entertaining the industrial dispute raised by the second respondent in Na.Ka.No.A/1585/04.

For Petitioners: Mr.G.Anand for
M/s.T.S.Gopalan.

For Respondent-1: Mr.G.B.Rajesh,
Government Advocate.

For Respondent-2: Mr.R.N.Amarnath

O R D E R

The relief sought for in the present writ petition is to forbear the first respondent from entertaining the Industrial Dispute raised by the second respondent in Na.Ka.A/1585/04.

2. The learned counsel, appearing on behalf of the writ petitioners-Managements, made a submission that the issues in relation to the grounds raised in the present writ petition was adjudicated in several other proceedings and the writ petitioners-Managements succeeded in those cases. Thus, the second respondent-Labour Union may not have any say in respect of the grounds raised in the present writ petition.

3. The learned counsel, appearing on behalf of the second respondent-Labour Union, opposed the said contentions of the learned counsel for the writ petitioners-Managements, by stating that the present writ petition is filed challenging the very notice issued by the first respondent and therefore, the writ petition itself is liable to be rejected in limine.

4. However, the present writ petition is filed, challenging the notice and this Court would not entertain a writ petition against the notice in a routine manner. However, it is brought to the notice of this Court that the writ petitioners-Managements had already submitted the reply statement in respect of the notice issued.

5. Under these circumstances, the writ petitioners-Managements are permitted to submit their explanations/legal grounds and file all the relevant documents before the first respondent, enabling the first respondent to consider the merits and demerits of the case and pass final orders without causing any undue delay. The second respondent is also permitted to submit their objections, if any, before the first respondent for consideration. The said exercise shall be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Svn

To

1.The Assistant Commissioner of Labour,
(Conciliation-II),
Kuralagam,
Chennai-600 108.

2.The General Secretary,
Socialist Labourer Union,
No.19/7, Esani Murthy Street,
Thiruvottiyur,
Chennai-600 019.

+1 CC to Mr.R.N.Amarnath advocate sr 83825.

+1 CC to Mr.T.S. Gopalan & Co, sr 83789.

+1 CC to Govt. Pleader sr 84459.

WP No.16247 of 2005

VSNII (CO)
SP (31/12/2018)