

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5533 of 2017

Balmer Lawrie Employee's Union,
Regn. No.MDS/1577,
Represented by its General Secretary,
No.32, Sathangadu Village,
Manali,
Chennai-600 068. ... Petitioner

Vs.

- 1.The Government of India,
Represented by its Secretary,
Department of Labour and Employment,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi-110 001.
- 2.The Regional Labour Commissioner (Central),
Office of the Deputy Chief Labour Commissioner (Central),
No.26, "A-Wing", 5th Floor,
Shastri Bhawan,
Haddows Road,
Nungambakkam,
Chennai-600 006.
- 3.The Management of Balmer Lawrie and Co. Limited,
Represented by its General Manager,
No.32, Sathangadu Village,
Manali,
Chennai-600 068. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the second respondent herein to conclude the conciliation proceedings in the industrial dispute raised by the petitioner-Union dated 1.11.2016 in accordance with Section 12(6) of the Industrial Disputes Act, 1947 and further direct the first respondent to pass orders under Section 10 of the Industrial Disputes Act for the reference of the industrial dispute, in the event of conciliation proceeding ending in failure, expeditiously.

For Petitioner : Mr.K.Ananthakrishnan
For Respondents-1&2 : No Appearance
For Respondent-3 : Mr.S.Ravindran, Senior Counsel
for Mr.S.Bazeer Ahamed.

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to conclude the conciliation proceedings in the industrial dispute raised by the writ petitioner-Union on 1.11.2016 in accordance with Section 12 (6) of the Industrial Disputes Act, 1947 and further a direction is sought for to direct the first respondent to pass orders under Section 10 of the Industrial Disputes Act, 1947 for reference of the industrial disputes in the event of conciliation proceeding ending in failure.

2. The second portion of the prayer is hypothetical at the time of filing of the writ petition. Even before the completion of the conciliation proceedings, the writ petitioner has prayed for, in the event of failure, a further direction is to be issued. Such a prayer cannot be entertained in the absence of establishing any cause of action as on the date of filing of the writ petition. Admittedly, there was no conciliation report. Therefore, such a prayer sought for cannot be granted as prayed for.

3. The learned Senior Counsel, appearing on behalf of the third respondent, made a submission that the Conciliation Officer concluded the proceedings and submitted a failure report in proceedings dated 8.5.2017. Therefore, the first portion of the prayer, seeking direction has been complied with and no further orders are required. In respect of second portion of the prayer, since conciliation report has been submitted and there was a failure, it is for the appropriate Government to consider the report, take a decision and pass orders in accordance with the provisions of Section 10 of the Industrial Disputes Act, 1947.

4. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Asst.Registrar (CS VIII)

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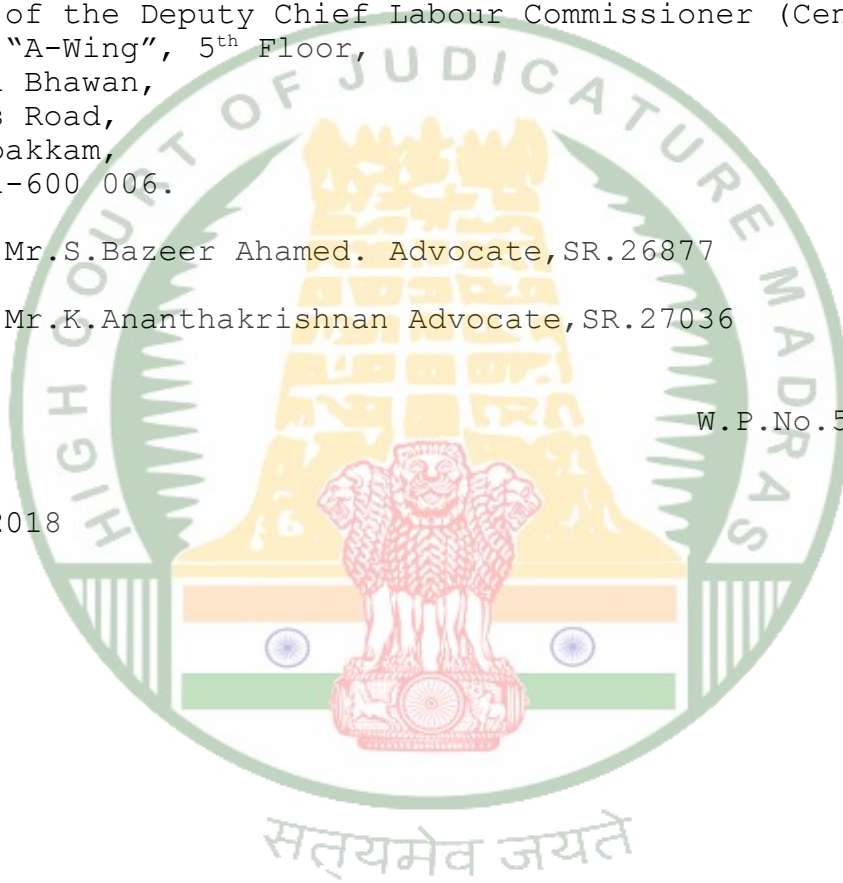
Sub Asst. Registrar

To

- 1.The Secretary,
Government of India,
Department of Labour and Employment,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi-110 001.
 - 2.The Regional Labour Commissioner (Central),
Office of the Deputy Chief Labour Commissioner (Central),
No.26, "A-Wing", 5th Floor,
Shastri Bhawan,
Haddows Road,
Nungambakkam,
Chennai-600 006.
- + 1 cc to Mr.S.Bazeer Ahamed. Advocate,SR.26877
- + 1 cc to Mr.K.Ananthakrishnan Advocate,SR.27036

W.P.No.5533 of 2017

pvs (co)
nr 24/04/2018



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