

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.40371 of 2006

Rane Brake Linings Employees Union
(Regd.No.MDS/461)
through its General Secretary
G.Jayabalan

... Petitioner

Vs.

1.The Chief Inspector of Factories
Department of Labour and Employment
Chepauk, Chennai 600 005.

2.The Management of Rane Brake Linings Ltd.Ambattur, Chennai.

3.L.Lakshmanan

4.L.Ganesh

5.K.S.Krishnasamy

6.C.R.Rao

7.V.Ramachandran

8.A.Murali Prasad

9.R.Ravi

10.S.Nandagopal

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to process the complaint of the petitioner dated 04.09.2006 under Section 92 and 93 of the Factories Act, 1948 within a time frame fixed by this Honourable Court.

For Petitioner : Mr.Nazarullah
for M/s.K.V.Shanmuganathan

For Respondents: Mr.K.Ravikumar for R1
Additional Government Pleader
Mr.S.Ravi for R2
for M/s.Gupta & Ravi

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to process the complaint of the petitioner dated 04.09.2006 under Sections 92 and 93 of the Factories Act, 1948, within a time frame as fixed by this Court.

2.The case of the petitioner is that the petitioner is the General Secretary of the petitioner Union formed by the employees of M/s.Rane Brake Linings Limited which is registered under the Indian Companies Act. The factory of M/s.Rane Brake Linings Limited is situated at Plot No.30, Industrial Estate, Ambattur, Chennai. There are 318 workers working in the second respondent Company.

3.The allegation of the petitioner against M/s.Rane Brake Linings Limited is that the said Company is forcing the employees to work for more than 13 hours a day which has been prohibited under Section 56 of the Factories Act. The petitioner made complaint dated 04.09.2006 against the second respondent under Sections 92 and 93 of the Factories Act, 1948, before the first respondent. Since no action was taken on the said complaint, the petitioner has come forward with this writ petition.

4.The learned counsel appearing for the second respondent would submit that the petitioner was initially appointed as Operator and through election he was elected as General Secretary of the petitioner Union. However, in the subsequent election, he lost the General Secretary Post. Therefore, he is no longer General Secretary of the petitioner Union. Subsequently, charges were framed against the petitioner and after conducting enquiry, he was removed from service on 14.10.2006. Suppressing all these facts, the petitioner has filed this writ petition as if he is the General Secretary of the petitioner Union for the above said relief.

5.The learned Additional Government Pleader would submit that whenever any complaint is made against the second respondent, periodical visit was made and appropriate action was taken under the Factories Act. He would further submit that the petitioner as a vexatious person, to achieve something from the second respondent, has filed this writ petition.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The writ petition was filed during the year 2006. However, prior to the filing of the writ petition, the

petitioner was removed from the service of the Union as he lost in the election and the petitioner is no longer the General Secretary of the petitioner Union. Paragraph no.5 of the counter filed by the first respondent also states that the petitioner has made baseless charges and it was verified during the inspection on 26.05.2007 and 30.05.2007 and everything was found to be correct as per Sections 56, 57 and 61 of the Factories Act, 1948. Hence, after a lapse of nearly 12 years, I do not find that anything would survive for adjudication in this writ petition.

8.Accordingly, this writ petition is dismissed. No costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.The Chief Inspector of Factories
Department of Labour and Employment
Chepauk, Chennai 600 005.

+1 CC to M/s.Gupta & Ravi, Advocate sr 37078.

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SSI (CO)
SP(03/07/2018)

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