

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.40375 of 2006

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

... Petitioner

Vs.

1. The State of Tamil Nadu represented by its Secretary, Department of Labour and Employment Fort St.George, Chennai 600 009.
 2. The Assistant Commissioner of Labour II (Conciliation) Department of Labour and Employment Fort St.George, Chennai 600 001.
 3. The Management of Rane Brake Linings Ltd., Plot No.30, Industrial Estate, Ambattur, Chennai.
- ... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents to conciliate on the industrial dispute of the petitioner dated 07.09.2006 under Section 2 (k) read with Section 10 of the Industrial Disputes Act, 1947 and refer the same for adjudication in the event of the conciliation ending failure 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 and R2
Additional Government Pleader
Mr.S.Ravi for R3
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 respondents 1 and 2 to conciliate on the industrial dispute of the petitioner dated 07.09.2006 under Section 2 (k) read with Section 10 of the Industrial Disputes Act, 1947 and refer the same for

adjudication in the event of the conciliation ending failure 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 third respondent Company.

3.The petitioner would further submit that the last wage cum workload settlement was entered into between the petitioner and the third respondent on 04.12.2002 and the same has expired in December, 2005 and the petitioner raised a new charter of demands before the third respondent on 01.12.2005. The Management has dodged the direct negotiations and hence the petitioner is constrained to raise an industrial dispute on 07.09.2006 before the second respondent. The second respondent who is the Conciliation Officer returned the same for complying with certain directions on 21.09.2006 itself and yet the second respondent has not commenced the conciliation proceedings in the dispute. Hence this petition.

4.The learned counsel appearing for the third respondent would submit that the petitioner filed industrial dispute on 07.09.2006, however, he was removed from service on 14.10.2006. He is no longer employee of the third respondent. Moreover, he lost the General Secretary Post in the election and hence, he is not a competent person to refer the matter for conciliation. The learned counsel would further submit that after the petitioner's request for conciliation, there are three settlements which were entered into between the petitioner Union and the third respondent.

5.In view of the above, I do not find anything necessary for further adjudication in this writ petition. Accordingly, this writ petition is dismissed. However, if the petitioner claims any monetary or other benefits, it is open to the petitioner to work out his remedy in the manner known to law. No costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.The Secretary, Department of Labour and Employment
Fort St.George, Chennai 600 009.

2.The Assistant Commissioner of Labour II (Conciliation)
Department of Labour and Employment
Fort St.George, Chennai 600 001.

3.The Management of Rane Brake Linings Ltd.,
Plot No.30, Industrial Estate,
Ambattur, Chennai.

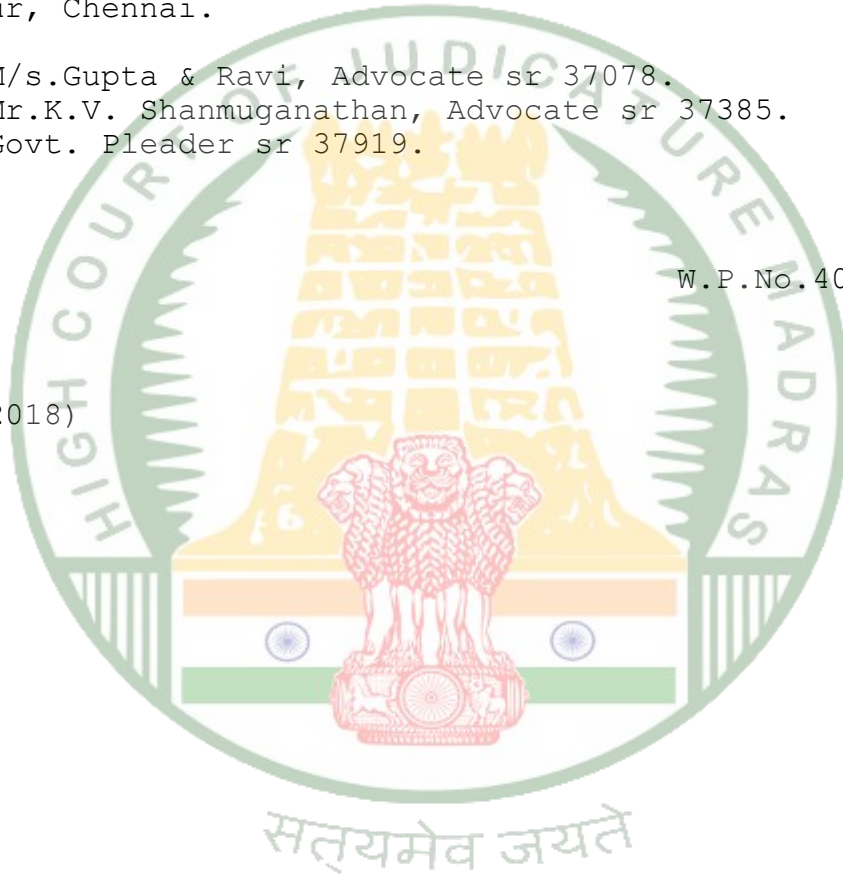
+1 CC to M/s.Gupta & Ravi, Advocate sr 37078.

+1 CC to Mr.K.V. Shanmuganathan, Advocate sr 37385.

+1 CC to Govt. Pleader sr 37919.

W.P.No.40375 of 2006

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



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