



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.22715 of 2018

and

W.M.P.No.26554 of 2018

Workmen of the Professional Couriers
Through United Labour Federation,
Represented by its Secretary,
Regn.No.2657/CNI,
No.149, C.J.Complex, 4th Floor,
Thambuchetty Street, Chennai - 600 001. ... Petitioner

Vs.

1. Government of Tamilnadu,
Rep. by its Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.
2. The Assistant Commissioner of Labour (Conciliation-I)
D.M.S.Compound, Tenampet, Chennai.
3. The Management of Professional Couriers,
Rep. by its Director,
No.32, Thiru Vi Ka Road,
Royapettah, Chennai - 600 014. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the conciliation officer, namely, the 2nd respondent to commence and conclude the conciliation proceedings at the earliest in the Industrial dispute raised by the petitioner Union dated 07.08.2018 in accordance with Section 12(6) of the Industrial Disputes Act 1947 and further direct the 1st 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 within the time to be stipulated by this Court.

For Petitioner : Mr.V.Prakash, Senior Counsel
for M/s.M.Karthikeyan

For Respondents : Mr.N.Srinivasan for R1



ORDER

The Labour Federation of workmen of the Professional Couriers have filed this writ petition, seeking a direction to the Conciliation Officer, namely, the second respondent, to commence and conclude the conciliation proceedings at the earliest and in accordance with Section 12(6) of the Industrial Disputes Act, 1947.

2. Section 12 in The Industrial Disputes Act, 1947 reads as under:

"12. Duties of conciliation officers.-

(1) Where any industrial dispute exists or is apprehended, the conciliation officer may, or where the dispute relates to a public utility service and a notice under section 22 has been given, shall hold conciliation proceedings in the prescribed manner.

(2) The conciliation officer shall, for the purpose of bringing about a settlement of the dispute, without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(3) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings the conciliation officer shall send a report thereof to the appropriate Government or an officer authorised in this behalf by the appropriate Government] together with a memorandum of the settlement signed by the parties to the dispute.

(4) If no such settlement is arrived at, the conciliation officer shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at.

(5) If, on a consideration of the report referred to in sub-section (4), the appropriate Government is satisfied that there is a case for reference to a Board, Labour Court, Tribunal or National Tribunal,] it may make such reference. Where the appropriate



Government does not make such a reference it shall record and communicate to the parties concerned its reasons therefor.

(6) A report under this section shall be submitted within fourteen days of the commencement of the conciliation proceedings or within such shorter period as may be fixed by the appropriate Government:

Provided that, subject to the approval of the conciliation officer,] the time for the submission of the report may be extended by such period as may be agreed upon in writing by all the parties to the dispute.]”

2. It is conceded by the learned counsel representing the first respondent that representation in this regard has been received on 07.08.2018. The learned counsel has also given an assurance that the second respondent will commence the conciliation proceedings and conclude the same as early as possible.

3. Recording the said submission, the writ petition is disposed of with a direction to the second respondent to commence and conclude the conciliation proceedings as mandated under Section 12(6) of the Industrial Disputes Act. In the mean time, status quo as on date shall be maintained by the parties. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary, Labour and Employment Department,
Fort St. George, Chennai - 600 009.
2. The Assistant Commissioner of Labour (Conciliation-I)
D.M.S.Compound, Tenampet, Chennai.

KR/12/11/18

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