

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.244 of 2018

B.Rameshkumar

... Petitioner

-vs-

1. The Ministry of Labour and Employment,
Rep. by its Secretary,
Shram Shakti Bhawan Rafi Marg,
New Delhi - 110 001.
2. The Chief Commissioner of Labour,
The Commissionerate of Labour,
DMS Campus, DMS Subway,
Teynampet, Chennai - 600 006.
3. The Joint Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore - 641 018.
4. M/s.Premier Evolvics Private Limited,
The Managing Director,
Mr.Sridhar Varadaraj, Having its
Registered Office at
R.R.Landmark
No.1E-1, Nava India Road,
Coimbatore - 641 028.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents Nos.1 to 3 to take appropriate action against the respondent No.4, on the representations of the petitioner dated 31.10.2017.

For Petitioner :: Mr.R.Maruthachalamurthi

For R1 :: Mr.S.Namo Narayanan
Central Government Standing Counsel

For R2 and R3 :: Mr.V.Kadhirvel
Special Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 to 3 to take an appropriate action against the fourth respondent, on the representation of the writ petitioner dated 31.10.2017.

2.The writ petitioner was an apprentice under the fourth respondent company. The apprenticeship was granted based on the

3.This Court is of an opinion that the writ petitioner had signed the agreement in the year 2008 and served as an apprentice in the fourth respondent company. Therefore, now after a lapse of about nine years, the petitioner cannot say that the signature from him was obtained by coercion in the year 2008. Certainly, such a contention is an after thought one and the same cannot be accepted for the purpose of entertaining the present writ petition.

4.The fact remains that the arbitrator was already appointed and he is proceeding with the hearing of the arbitration proceedings. Therefore, it is left open to the writ petitioner to participate in the arbitration proceedings and defend his case, in accordance with the procedures contemplated. The arbitrator is also expected to conduct the proceedings in a fair manner.

5.This being the factum of the case the present writ petition is filed seeking a prayer to consider the representation cannot be entertained. During the pendency of the arbitration such a relief cannot be granted and the writ petitioner has not established any legal right so as to entertain the present writ petition.

6.Thus, writ petition is devoid of merits and accordingly stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Ministry of Labour and Employment,
Shram Shakti Bhawan Rafi Marg,
New Delhi - 110 001.

2. The Chief Commissioner of Labour,
The Commissionerate of Labour,
DMS Campus, DMS Subway,
Teynampet,
Chennai - 600 006.

3. The Joint Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore - 641 018.

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+1cc to Mr.R.Maruthachalamurthi, Advocate, S.R.No.24428
+1cc to Mr.S.Namo Narayanan, Advocate, S.R.No.24419
+1cc to the Government Pleader, S.R.No.24632