

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28954 of 2017

United Labour Federation ,
Regon.No.2657/CNI

Represented by its Secretary,
No.149, Thambu Chetty Street,
CJ Complex, Fourth Floor,
Chennai-600 001.

..Petitioner

.. Vs ..

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Department of Labour and Employment,
Fort. St.George,
Chennai.

2.The Assistant Commissioner of Labour (Conciliation-1),
Irungaattukottai,
Sriperumbudur-602 106.

3.The Management of Myunghwa Automotive India
Pvt.Ltd.,
Represented by its Managing Director,
No.112, Singadivakkam,
Kancheepuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to directing the 2nd respondent herein to conclude the conciliation proceedings in the industrial dispute raised by the petitioner union dated 28.09.2017 bearing reference no.NA.KA.No.Aa/831/2017 in accordance with Section 12(6) 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 proceedings ending in failure, expeditiously within such time as this Hon'ble Court may deem fit.

For Petitioner : Mr.K.Sudalaikannu

For Respondents: Mr.A.Raghu for R 1 & R 2
Government Advocate
No Appearance for R 3

O R D E R

The relief sought for in this writ petition is for a direction to direct the 2nd respondent to conclude the Conciliation Proceedings in the industrial dispute raised by the petitioner union dated 28.09.2017 bearing reference no.NA.KA.No.Aa/831/2017 in accordance with Section 12(6) the Industrial Disputes Act, 1947.

2.The learned counsel on behalf of the writ petitioner states that the Conciliation Proceedings commenced on 28.09.2017, and the proceedings are yet to be completed. Thus, there is an enormous delay in concluding the Conciliation proceedings which forced the writ petitioner to move the present writ petition under Article 226 of the Constitution of India.

3.This Court is of an opinion that the Conciliation proceedings commenced shall be completed within a reasonable period of time and without causing any undue delay. This Court is also of an opinion that for want of adequate number of Conciliation Officers, issues raised for Conciliation are unable to be concluded within a reasonable period of time as contemplated under Section 12(6) of the Industrial Disputes Act, 1947. The first respondent is bound to look into these issues and appointing adequate number of Conciliation Officers in the Department of Labour and Employment, so as to conclude these Conciliation proceedings pending for a long period. It is the duty of the first respondent under the statute to ensure that the Conciliation proceedings initiated are concluded within the period contemplated under Section 12(6) of the Industrial Disputes Act, 1947. When the statute provides a specific period for consequences on the Conciliation proceedings, the same is to be followed scrupulously. Though, such time limits are directly in nature, at least the first respondent should ensure that the proceedings are concluded within a reasonable period of time without causing any undue delay.

4.In the present case on hand, the Conciliation proceedings were initiated on 28.09.2017, and after submission of the report, further actions ought to be initiated by the first respondent. In these circumstances, this Court is of an opinion that it is sufficient, if a direction is issued to conclude the proceedings in all aspects and pass orders.

5.Accordingly, the respondents are directed to conclude the Conciliation proceedings in all aspects and submit a report as early as possible and preferably within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent is directed to ensure that adequate number of

Conciliation Officers are appointed for the purpose of dealing with these matters, so as to conclude all pending Conciliation proceedings within the time limit prescribed under Section 12(6) of the Industrial Disputes Act, 1947.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

KP

To

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Labour and Employment,
Fort. St. George,
Chennai.
 2. The Assistant Commissioner of Labour (Conciliation-1),
Irungaattukottai, Sriperumbudur-602 106.
- +1cc to Mr. K. Sudalai kannu, Advocate SR.No.29747

W.P.No.No.28954 of 2017

CP (CO)
GN (28/04/2018)

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