

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.29040 of 2017

United Labour Federation

Regn 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 Employment

Fort St. George, Chennai.

2.The Assistant Commissioner of Labour (Conciliation)

Irungaattukottai, Sriperumbudur-602106.

3.The Management of Foxcon Technologies India Pvt. Ltd

High Tech Special Economic Zone

Sipcot, Suguvaar Chathiran

Sriperumbudur - 602 106

Kancheepuram District.

.. Respondents

Prayer Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to conclude the conciliation proceedings in the industrial dispute raised by the petitioner union dated 13.12.2016 bearing reference no.Na.Ka.No.Aa/828/2016 in accordance with Section 12(6) of the Industrial Disputes Act, 1947 and forward the report to the first respondent government and consequently direct the first respondent to pass orders under Section 10 of the Industrial Disputes Act in reference with the industrial disputes, in the event of conciliation proceedings ending in failure, expeditiously within such time as this Hon'ble Court may stipulate.

For Petitioner: M/s.M.Ezhilarasi

For Respondent: M/s.A.Sri Jayanthi

Special Govt. Pleader [For R1 & R2]

R3-No appearance

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent herein to conclude the conciliation proceedings in the industrial dispute raised by the petitioner union dated 13.12.2016 bearing reference no.Na.Ka.No.Aa/828/2016 in accordance with Section 12(6) of the Industrial Disputes Act, 1947 and forward the report to the first respondent government and consequently direct the first respondent to pass orders under Section 10 of the Industrial Disputes Act.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the Conciliation Officer has already submitted a failure report on 03.10.2017. Thus, the report forwarded to the first respondent has to consider on merits and the first respondent has to take a decision and pass order with reference to Section 10 of the Industrial Disputes Act.

3.Thus, the first respondent is directed to consider the failure report submitted by the Conciliation Officer and other documents available on record and pass orders on merits and in accordance with law, within a period of twelve(12) weeks from the date of receipt of a copy of this order.

4.Accordingly, this writ petition stands disposed of. However, there is no order as to costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

may

To

1.The Secretary

Department of Labour Employment

Fort St. George, Chennai.

2.The Assistant Commissioner of Labour (Conciliation)

Irungaattukottai, Sriperumbudur-602106

W.P. No.29040 of 2017

SP(18/06/2018)