

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23813 of 2010
and
MP.Nos.1 and 2 of 2010

REWEFA Tooling Employees Union
rep. by its General Secretary
N.Shanmuga Sundaram ... Petitioner

Vs

- 1.The Government of Tamil Nadu,
represented by its Secretary,
Labour and Employment Department,
Secretariat, Chennai - 600 009.
- 2.The Labour Officer,
Bairappa Colony,
Krishnagiri,
Krishnagiri District.
- 3.The Chairman & Managing Director,
REWEFA Tooling Private Limited
Plot No.66-A, Phase -I
SIPCOT Industrial Estate,
Hosur, Krishnagiri District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to conciliate the industrial dispute dated 07.10.2010 raised by the petitioner Union under Section 2(k) of the Industrial Disputes Act, 1947 by virtue of the statutory powers under Section 12(3) of the Industrial Disputes Act and submit a report to the first respondent in accordance with law, within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Hidayathulla Khan
For R1 & R2 : Mr.J.Ramesh, AGP
For R3 : Mr.R.Raghavan

ORDER

The petitioner has come up with the present writ petition for a Mandamus, directing the second respondent to conciliate the Industrial Dispute dated 07.10.2010 raised by them under Section 2(k) of the Industrial Disputes Act, 1947 and submit a report to the first respondent in accordance with law, within a time frame to be fixed by this Court.

2. When the matter was taken up for consideration, the learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the relief sought for herein has become infructuous and hence, nothing survives for adjudication. In support of his submission, the learned Additional Government Pleader drew the attention of this Court to the averments made in paras 5 and 6 of the counter affidavit filed by the respondents 1 and 2, which read as follows:

"5. ...it is humbly submitted that the petitioner union has raised an Industrial Dispute under section 2(k) of the Act on 07.10.10 regarding the non-payment of wages based on the settlement dated 27.08.10 and to direct the 3rd respondent to desist from the proposed retrenchment of the workers belonging to the petitioner union as it is directly contravenes to the settlement dated 27.08.10. After several rounds of conciliation talks, the 3rd respondent agreed to settle all the workers with full and final settlement. A settlement was arrived on 07.12.10 under Section 12 (3) of the Act.

6. It is humbly submitted that as per the terms of settlement dated 07.12.10, all the 42 workmen of the petitioner union were settled full and finally on 27.07.2011 through Demand Draft by the Management and also the petitioner union agreed to dissolve the union itself based on its General Body Resolution dated 11.01.2011. This was informed by the union to the Labour officer, Krishnagiri through their letter dated 28.07.2011."

3.In the light of the averments so made in the counter affidavit filed by the respondents 1 and 2, this Court is of the view that it is unnecessary to pursue this writ petition. Hence, recording the same, this writ petition stands closed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Government of Tamil Nadu,
represented by its Secretary,
Labour and Employment Department,
Secretariat, Chennai - 600 009.

2.The Labour Officer,
Bairappa Colony,
Krishnagiri,
Krishnagiri District.

+ 1 cc to Mr.Hidayathulla Khan, Advocate SR. 35682
+ 1 cc to Government Pleader Sr.36248

(CS-DR)
EU (26/06/2018)

W.P.No.23813 of 2010

सत्यमेव जयते

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