

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.07.2018

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

W.P.No.18776 of 2018

Workmen of JK Fennar India Private Limited
Through JK Fennar India Thozhilalar Sangam
Regn No.477/KPM,
Rep.by its General Secretary,
No.212, Gandhi Road,
Kancheepuram-631 501.

..Petitioner

vs

- 1.The Government of Tamil Nadu,
rep.by its Secretary,
Department of Labour and Employment
Chennai-600 009.
- 2.The Assistant Commissioner of Labour (Conciliation-I)
Sriperumbatur,
Kancheepuram District-602 117.
- 3.The Management of JK Fennar India Private Limited,
Rep.by its Managing Director,
F-21, F-22, Sipcot Industrial Park,
Mampakkam Sipcot,
Sriperumbatur, Kancheepuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to pass orders expeditiously under Section 10 of the Industrial Disputes Act with regard to the reference of the industrial dispute covered by the Conciliation failure Report bearing reference Na.Ka.No.AA/774/2016 dated 26.12.2017.

For Petitioner :Mr.P.Ganeshram
For Respondents :Mr.M.Elumalai, Government Advocate

O R D E R

The relief sought for in the writ petition is for a direction to direct the 1st respondent to pass order expeditiously under Section 10 of the Industrial Dispute Act with regard to the reference of the industrial dispute covered

by the Conciliation failure Report bearing reference Na.Ka.No.AA/774/2016 dated 26.12.2017 and issue orders.

The learned counsel appearing on behalf of the petitioner made a submission that the writ petitioner is a Trade Union registered under the Trade Union Act, 1926 and in view of certain issues relating to the service conditions, the writ petitioner's Union have raised certain disputes in respect of the charter demands and the Conciliation Officer had already submitted a Failure Report on 12.06.2017. However, the 1st respondent has not passed any reference so far. On account of long delay, workmen are unable to get through the service benefits.

Under these circumstances, this Court without going into the merits of the matter, directs the 1st respondent to consider the Failure Report issued by the 2nd respondent on 26.12.2017 and take a decision on merits and in accordance with law as required under the provisions of the Industrial Disputes Act and pass orders within a period of twelve weeks from the date of receipt of the copy of this order.

The writ petition stands disposed with the above observation. No costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary,
Department of Labour and Employment
Chennai-600 009.
- 2.The Assistant Commissioner of Labour (Conciliation-I)
Sriperumbatur,
Kancheepuram District-602 117.
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SP(07/08/2018)