

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.07.2018

CORAM

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

W.P.No.19457 of 2018
and
W.M.P.No.22886 of 2018

MRF United Workers Union
Represented by General Secretary
Mr.D.Christopher
No.100/122, Pandit Jawaharlal Nehru 2nd Street,
Sholingur Road, Arakkonam
Vellore District. ... Petitioner

Vs.

1.The Labour Officer
Vellore.

2.The Management of MRF Limited
Represented by its General Manager
Ichiputhur, Arakkonam - 631 003. ... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent, Labour Officer, Vellore to dispose of the application filed by the petitioner union on 17.10.2017 sought for protected workman status to its office bearers within such stipulated time.

For Petitioner : Mr.V.Prakash
for M/s.K.Sudalai Kannu

For Respondents : M/s.A.Srijayanthi
Special Government Pleader for R1
Mr.Sanjay Mohan
for Mr.S.Ramasubramaniam and
Associates for R2

O R D E R

The relief sought for in this writ petition is for a direction to direct the the 1st respondent, Labour Officer,

Vellore to dispose of the application filed by the petitioner union on 17.10.2017 sought for protected workman status to its office bearers within such stipulated time.

2.The learned senior counsel appearing on behalf of the writ petitioner made a submission that the Petitioner Union is the Registered Trade Union under the Trade Unions Act and is functioning in the 2nd Respondent factory from the year 2003 onwards. The majority of the workers are the members of the petitioner union and the strength of membership is 1323, as of now. The petitioner was advised to submit that Section 33(3) of the Industrial Disputes Act has protected the interest of workers during the pendency of the Industrial dispute between the management and the workers. As per Section 33(3) of the Industrial Disputes Act, no action including the discharge, dismissal or otherwise have been taken against the workers, who have been granted protected workmen status. For the purpose of invoking the said provision, the writ petitioner had submitted a representation to the first respondent, Labour officer on 17.10.2017. However, the learned Senior counsel made a submission that the Labour officer is not passing orders on the representation. Further, it is submitted that the respondents had not also submitted their objections in respect of representation submitted before the 1st respondent.

3.The learned counsel appearing on behalf of the respondents states that the objections were already filed.

4.May that it be. This Court is of an opinion that any application submitted under the statute is to be disposed within a reasonable period of time. The grievances of the parties are to be adjudicated in the manner known to law and a decision is to be taken without any undue delay on the part of the public officials. However, the writ petitioner union had already submitted the representation on 17.10.2017.

5.In this view of the matter, the 1st respondent is directed to consider the representation submitted by the writ petitioner on 17.10.2017, by affording reasonable opportunity to all the parties concerned, take a decision and pass orders within a period of six weeks from the date of receipt of a copy of this order.

6.With this direction, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

kak /vv2

To

The Labour Officer,
Vellore.

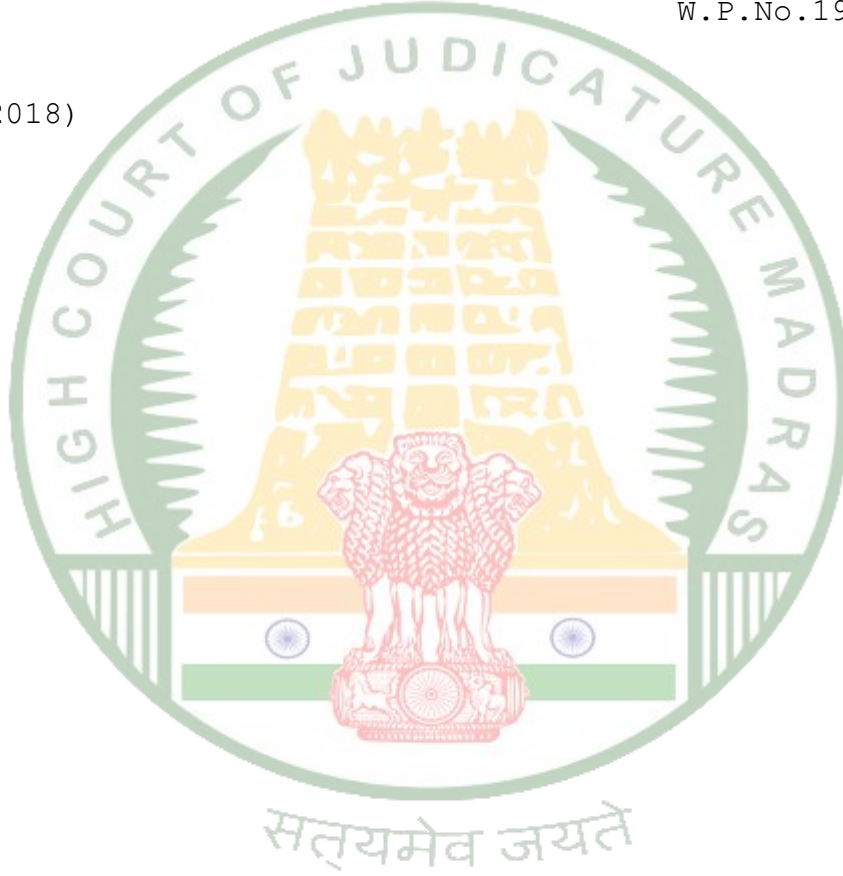
+1cc to Mr.K.Sudalai kannu, Advocate SR.No.52183

+1cc to Mr.S.Ramasubramaniam & Associates, Advocate SR.No.51132

+1cc to Government Pleader SR.No.51874

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GN(06/08/2018)



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