

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.44920 of 2006

Salem Cooperative printing  
Paniyalargal Sangam(Regd.No.SLM/10262)  
represented by secretary, A.Dharmalingam,  
92, Kambar Street, Chinna Thirupathi,  
Salem-8.

Petitioner

Vs

1.State of Tamil Nadu,  
represented by its secretary to  
Government, Labour and Employment (D1)  
Department, Fort St.George,  
Chennai-600 009.

2. Labour Officer,  
Sankar Nagar, Salem 636 007.

3.Salem Cooperative Press  
represented by its Administrative Officer,  
8, Sankaralayam Salai, Salem-1.

Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus to calling for the records in G.O.(D)No.108 Labour and Employment (D1) Department, on the file of the first respondent herein and quash the same and direct the first respondent to refer all the disputes No.1 to 10 raised by the petitioner Sangam, under letter dated 6.12.2004 before the Labour Officer, Salem to the Labour Court, Salem.

For petitioner :: Mr. V.Premkumar

For respondents :: Mr. L.P.Shanmugasundaram  
Special Government Pleader for R1  
For R2 K.RaviKumar

Additional Govt. Pleader for R2  
For R3 :: Mr. N. Kolandai Velu for R3

O R D E R

The petitioner filed the Writ Petition challenging the G.O. (D) No.108 Labour and Employment (D1) G.O.(D)No.108 Labour and Employment (D1) Department on the file of the first respondent herein and quash the same and direct the 1<sup>st</sup> respondent to refer all the dispute Nos.1 to 10 raised by the petitioner Sangam under letter dated 6.12.2004 before the Labour Officer, Salem to the Labour Court, Salem.

2. The case of the petitioner is that the petitioner Sangam raised industrial disputes. There are 29 members in the petitioner Sangam and they are working in different categories in the 3<sup>rd</sup> respondent Cooperative Press. The petitioner Sangam raised certain disputes under section 2K of the Industrial Disputes Act 1947 and the same was forwarded to Labour Officer, Salem, by letter dated 6.12.2004. After several adjournments given by the Labour Officer, Salem, but the third respondent failed to appear before the Labour Officer, Salem and as the disputes were not settled before the Labour Officer, Salem the disputes were referred to 1<sup>st</sup> respondent by the 2<sup>nd</sup> respondent by its order dated 12.09.2005 as per section 12(4) of the Industrial Disputes Act, 1947. Since the 1<sup>st</sup> respondent have no power to decide the dispute, it is the duty cast upon the 1<sup>st</sup> respondent to refer the matter to the Labour Court for adjudication. Further, instead of referring all the disputes to the Labour Court, the 1<sup>st</sup> respondent has referred only dispute Nos.2 and 7 to the Labour Court, Salem by G.O.(D) No.108, dated 16.2.2006. Further he failed to refer the remaining disputes raised by the petitioner Sangam. Aggrieved by not referring the remaining disputes, the present Writ petition has been filed.

3. Though the writ petition was entertained by this Court, pending writ petition, the non referred disputes also have settled between the 3<sup>rd</sup> respondent and the petitioner and now only 6 members are working in the 3<sup>rd</sup> respondent Press and the remaining persons working in the 3<sup>rd</sup> respondent got retired subsequently, no further adjudication is required in this writ petition. Accordingly, this writ petition is closed. No costs.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msr

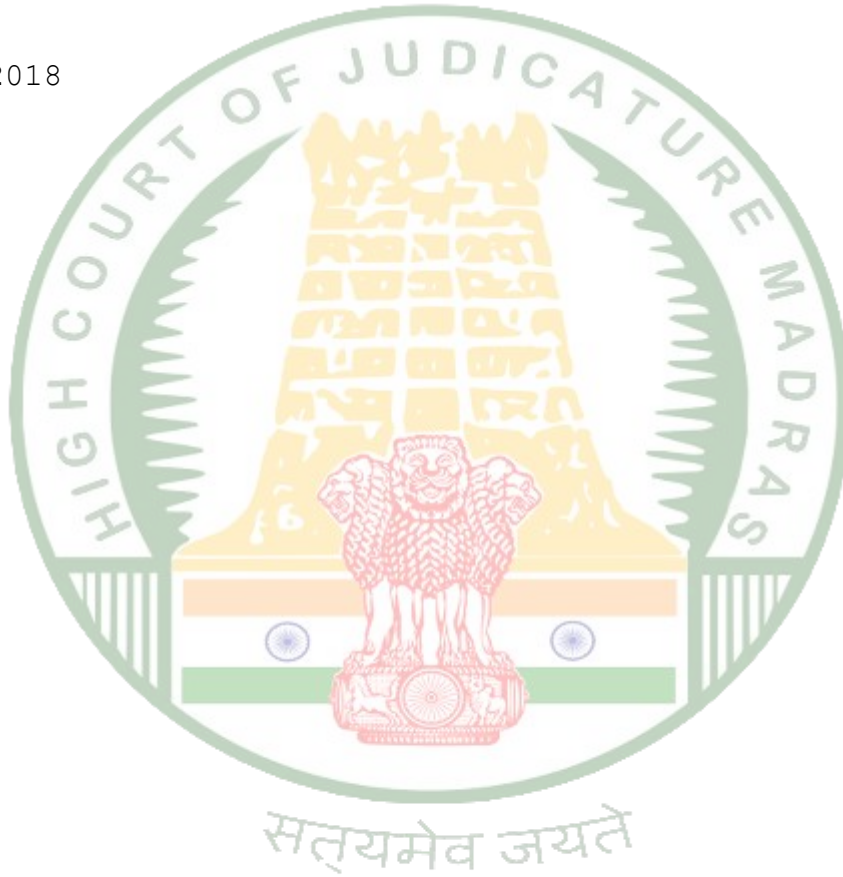
To

1.The secretary to Government,  
Labour and Employment (D1)  
Department, Fort St.George,  
Chennai-600 009.

2. The Labour Officer,  
Sankar Nagar, Salem 636 007.

W.P.No.44920 OF 2006

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