

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.30544 of 2018

United Labour Federation
Rep. By its Secretary

... Petitioner

vs.

1.The Assistant Commissioner of Labour

(Conciliation I)
Sriperumbudur,
Kancheepuram District.

2.The Government of Tamilnadu,
Rep. by its Secretary,
Department of Labour and Employment,
Fort. St.George
Chennai.

3. The Management of Myunghwa
Automotive India Private Limited,
Represented by its Managing Director,
Singadivakkam-631 561
Kancheepuram District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st Respondent Assistant Commissioner of Labour (Conciliation I), Sriperumbudur, to expeditiously conclude the conciliation proceedings with regard to the Industrial Dispute raised by the petitioner union on 11.06.2018 bearing Ref. No.NA.KA.No.A/473/2018, within such stipulated time and forward the conciliation failure report to the 2nd respondent Government of Tamilnadu and further direct the 2nd respondent Government of TamilNadu to pass orders with regard to the reference of the above Industrial Dispute under section 10(1) of the Industrial Disputes Act within such stipulated time.

For Petitioner : M/s.K.Sudalaikannu

For Respondents: Mr.M.Karythikeyan,
Addl. Govt. Pleader for R1 & R2.

O R D E R

This Writ Petition is filed seeking to direct the 1st Respondent Government to pass orders under Section 10(1) of the Industrial Disputes Act, 1947 with regard to the reference of the industrial dispute covered by the conciliation failure report bearing Ref.No.Na.Ka.No.A/473/2018 dated 11.06.2018 expeditiously or within the time stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner Union raised industrial disputes before the Assistant Commissioner of Labour, Sriperumbadur on 11.06.2017. It is further submitted that the conciliation proceedings commenced on 30.07.2018 and the same is adjourned from time to time and no orders have been passed. According to the learned counsel for the petitioner, as per Section 12(6) of the Industrial Disputes Act, the conciliation proceedings ought to be completed within 14 days from the date of commencement. Therefore, the learned Counsel for the petitioner emphasized this Court to fix a time limit for the first respondent to pass appropriate orders.

3. Considering the limited scope of prayer sought for by the writ petitioner, without expressing any opinion on the merits of the case, this Court is inclined to direct the first respondent to conclude the conciliation proceedings in respect of the Industrial Dispute in Na.Ka. A/473/2018 dated 11.06.2018, on merits and in accordance with law, under Section 10(1) of the Industrial Disputes Act, as expeditiously as possible, preferably within a period of ten weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

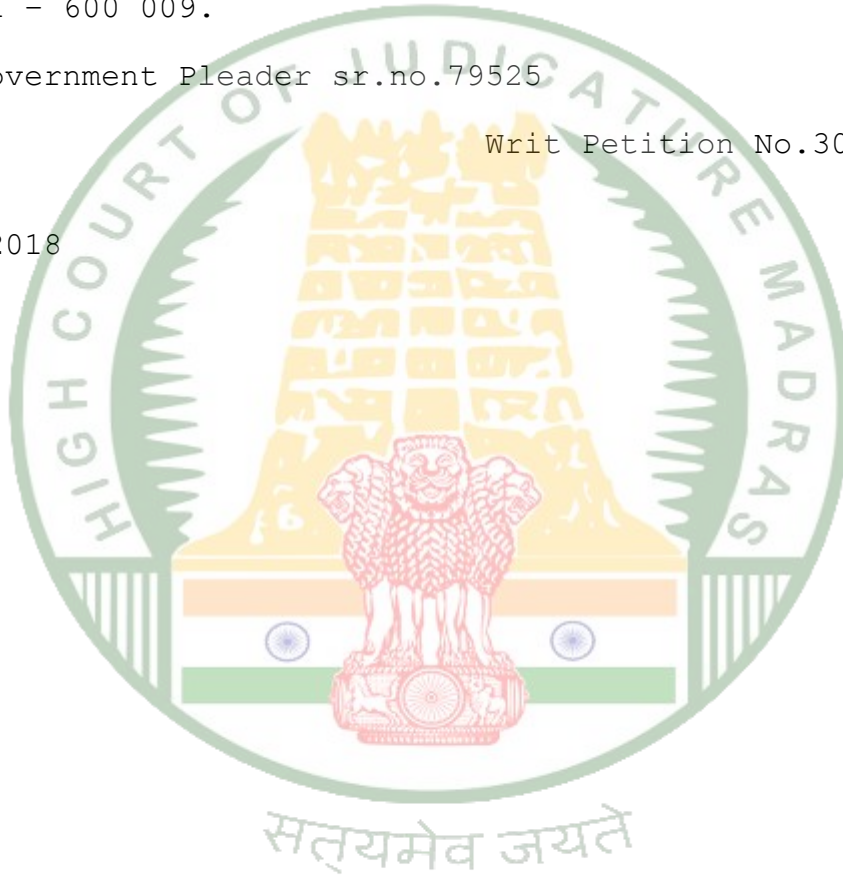
1.The Assistant Commissioner of Labour
(Conciliation I)
Sriperumbudur,
Kancheepuram District.

2.The Secretary,
Department of Labour and Employment
Government of Tamil Nadu
Fort St. George,
Chennai - 600 009.

+1cc to Government Pleader sr.no.79525

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ad(co)
nr 20/12/2018



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