

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.30338 of 2018

United Labour Federation
Rep. By its Secretary

... Petitioner

vs.

1. The Government of Tamil Nadu
Department of Labour and Employment,
Rep. By its Secretary, Fort St. George,
Chennai - 600 009.
2. Myunghwa Automotive
India Private Limited,
Rep. By its Managing Director,
Having registered office and factory at
No.112, Singadivakkam village,
Kanchipuram District - 631 561.

... Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing 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.Aa/831/2017 dated 19.03.2018 expeditiously and within such time as stipulated by this Hon'ble Court.

For Petitioner: Mr.V.Prakash, Senior Counsel
for M/s.Gautam S.Raman

For Respondents: Mr.M.Karythikeyan,
Addl.Government Pleader for R1

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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.Aa/831/2017 dated 19.03.2018 expeditiously or within the time stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner Union raised industrial disputes under Section 2 (k) of Industrial Disputes Act, 1947 before the Assistant Commissioner of Labour, Sriperumbudhur on 15.09.2017. However, the 2nd Respondent Management is not showing any interest in negotiating with the petitioner Union. Hence, the Conciliation Officer issued Conciliation Failure Report bearing No. Na.Ka.Aa/831/2017 dated 19.03.2018 and forwarded the same to the 1st respondent Government for passing appropriate orders. As of today, the 1st respondent Government has not passed any orders. Therefore, the learned Senior Counsel emphasized this Court to fix a time limit for the first respondent to pass appropriate orders.

3. Considering the facts and circumstances, without going into the merits of the case, this Court directs the first respondent to consider the Conciliation Failure Report bearing No. Na.Ka.Aa/831/2017 dated 19.03.2018, on merits and in accordance with law, under 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. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

avr/ebsi

To

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

+1cc to M/s.Gautam S.Raman, Advocate, S.R.No.78869

+1cc to the Government Pleader, S.R.No.79210

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VGI (CO)
CS/07/01/2019