

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2018

CORAM

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.31248 of 2018

P. Shanthi

... Petitioner

Vs .

1.The Secretary,

Tamil Nadu Construction Workers Welfare Board,
No.8, Valluvar Kottam High Road,
Nungambakkam, Chennai 600 034.

2.The Assistant Commissioner of Labour,

(Social Security Scheme)
Tamil Nadu Construction Workers Welfare Board,
Behind ITI, Chennimalai Road,
Erode 638 009.

3.The Assistant Commissioner of Labour (Conciliation)

Tamil Nadu Construction Workers Welfare Board Building,
Behind ITI, Chennimalai Road,
Erode 638 009

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and call for the records pertaining to the impugned letter in Na.Ka.No.178/2018 dated 09.07.2018 issued by the third respondent herein and quash the same and to direct the Labour Court Salem to enquire and adjudicate the dispute raised by the petitioner.

For Petitioner

:Mr.L.Rajendran

For Respondents

:Mr.M. Karthikeyan

Additional Government Pleader

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O R D E R

Writ Petition has been filed to call for the records pertaining to the impugned letter in Na.Ka.No.178/2018 dated 09.07.2018 issued by the third respondent herein and quash the same and to direct the Labour Court, Salem to enquire and adjudicate the dispute raised by the petitioner.

2. Learned counsel for the petitioner has submitted that on 01.07.2018, the petitioner was terminated by an oral order passed by the second respondent and no reasons were assigned for such termination. Aggrieved by the same, she approached the third respondent for reinstatement. However, her request was rejected stating that the Tamil Nadu Construction Workers Welfare Board was not notified as "Industrial Establishment" under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. Hence, this writ petition.

3. Learned Additional Government Pleader appearing for the respondents placing relevant paragraph No.13 of the counter affidavit would submit as follows:

"(2) Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of three months from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government."

Admittedly, the petitioner has not approached the Conciliation Officer to seek his remedy. Therefore, learned counsel for the petitioner seeks liberty to approach the Conciliation Officer for seeking his remedy.

4. In view of the above said submissions, the writ petition is disposed of with liberty granted to the petitioner to seek his remedy before the Conciliation Officer. No costs.

Sd/--

Assistant Registrar(CS)

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Sub Assistant Registrar

gv

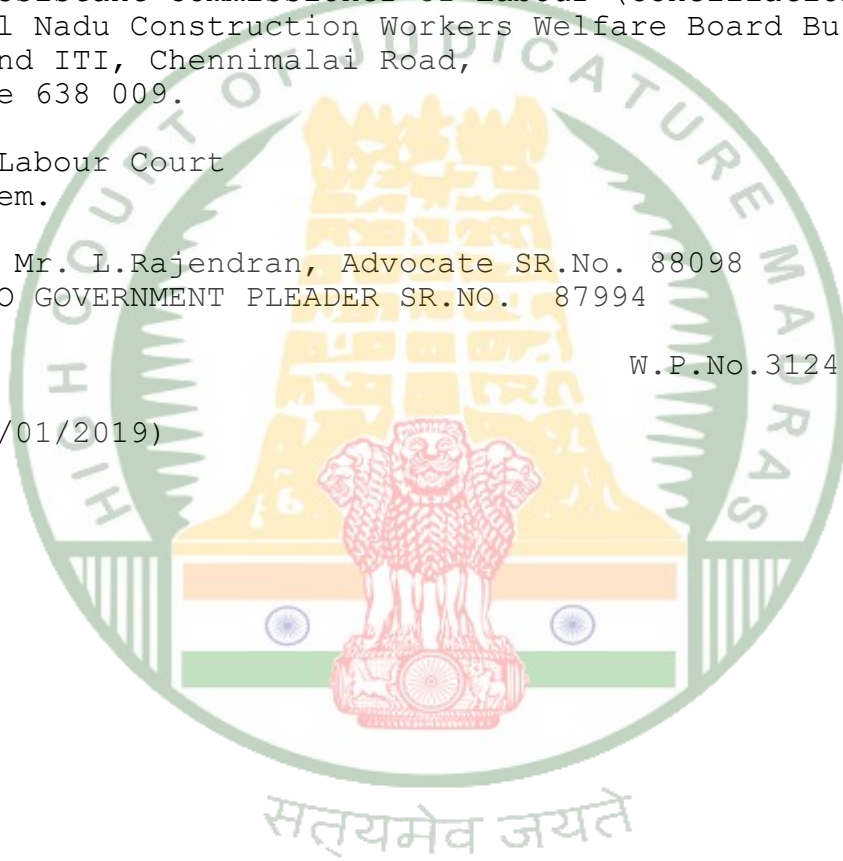
To

- 1..The Secretary,
Tamil Nadu Construction Workers Welfare Board,
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- 2.The Assistant Commissioner of Labour,
(Social Security Scheme)
Tamil Nadu Construction Workers Welfare Board,
Behind ITI, Chennimalai Road,
Erode 638 009.
- 3.The Assistant Commissioner of Labour (Conciliation)
Tamil Nadu Construction Workers Welfare Board Building,
Behind ITI, Chennimalai Road,
Erode 638 009.
4. The Labour Court
salem.

+1cc to Mr. L.Rajendran, Advocate SR.No. 88098
+1 CC TO GOVERNMENT PLEADER SR.NO. 87994

W.P.No.31248 of 2018

A.SK(31/01/2019)



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