



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.14034 of 2016

and

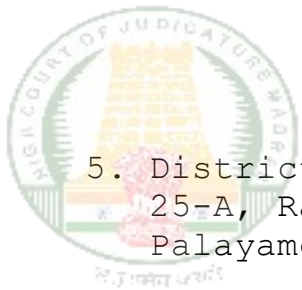
WMP (MD) No.10419 of 2016

1. The Management,
M/s.Damodar Home Industries,
12/15, Jothi Nagar, Alangulam, 627 851,
Tirunelveli District, Rep.by its Partner.
2. H.Ramesh Shenoy, Partner,
M/s.Damodar Home Industries,
Kadri Road, Mangalore - 575 003,
Karnataka.
3. B.Ramesh Pai, Partner,
M/s.Damodar Home Industries,
Kadri Road, Mangalore - 575 003,
Karnataka.
4. Vasudev S.Pai,
Partner, M/s.Damodar Home Industries,
Kadri Road, Mangalore - 575 003,
Karnataka.

... Petitioners

Vs.

1. Government of Tamil Nadu,
Labour and Employment Department,
Rep.by its Principal Secretary,
St.George, Chennai - 600 009.
2. Commissioner of Labour,
Teynampet, Chennai - 600 009.
3. Deputy Commissioner of Labour,
Authority under the Minimum Wages Act,
No.106, Trivandram Road,
Tirunelveli - 627 002.
4. The Labour Officer (I/c),
Tirunelveli, Maharaja Nagar,
Tirunelveli - 627 002.



5. District Beedi Workers' Union,
25-A, Rajendra Nagar 1st Street,
Palayamcottai, Tirunelveli.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the notice issued by the fourth respondent in his proceedings Na.Ka.No.A/589/2015 dated 24.05.2016 and quash the same as illegal insofar as the petitioners herein are concerned.

For petitioner : Mr.M.E.Ilango
For Respondents : Mr.J.Gunaseelan Muthaiah,
AGP for 1 to 4
R5 - No Appearance

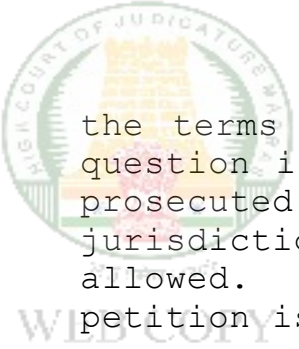
ORDER

Heard the learned counsel on either side.

2.The petitioner is a partnership firm engaged in manufacturing of Beedi on job work basis. The issue on hand relates to revision of the wages of the workers working in Beedi industries. A meeting was convened before the Labour Commissioner, Chennai on 10.08.2015 between a few associations of the Beedi manufacturers and trade unions. A settlement under Section 12(3) of the Industrial Disputes Act, 1947 was entered into and it was agreed that revised wages would be paid by raising it to Rs.12.00 for rolling thousand beedies. The fifth respondent herein gave a complaint to the first respondent alleging non compliance of the said settlement. Hence, notice dated 24.05.2016 has been issued by the fourth respondent to the petitioners.

3. By the impugned notice, the petitioners have been called to offer explanation as to why the settlement dated 10.08.2015 has not been implemented. The impugned notice further reads that further action would be taken if proper explanation is not received within fifteen days. The impugned notice affirms that the petitioners have rendered themselves liable to prosecution under Section 29 of the I.D Act, 1947 by their non implementation of the aforesaid settlement. It is this notice that is under challenge in this writ petition.

4.Admittedly, the petitioners are not parties to the said settlement. A settlement entered into under Section 12(3) of the Industrial Disputes Act, 1947, is binding only on those who are parties to the settlement or who were summoned to appear in the proceedings as parties to the dispute. The petitioners were not summoned as parties to the dispute. They had not signed in the said settlement. Therefore, the petitioners cannot be bound by



the terms of the aforesaid settlement. When the settlement in question is not binding effect on the petitioners, they cannot be prosecuted. The issuance of the impugned notice is without jurisdiction. It is therefore quashed. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Labour and Employment Department,
St.George, Chennai - 600 009.
 2. The Commissioner of Labour,
Teynampet, Chennai - 600 009.
 3. The Deputy Commissioner of Labour,
Authority under the Minimum Wages Act,
No.106, Trivandram Road,
Tirunelveli - 627 002.
 4. The Labour Officer (I/c),
Tirunelveli, Maharaja Nagar,
Tirunelveli - 627 002.
- + 1 cc TO Mr.E.Ilango , Advocate in SR No. 48161

skm
AE/KKR/SAR2/04.06.2018/3P/6C

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