

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12879 of 2004

&

W.M.P.No.15009 of 2004

National Textile Worker's Union,
(Affiliated to INTUC), Regd No.1464,
1848, Trichy Road, Ramanathapuram,
Coimbatore - 46.
Represented by its President,
R.Sengaliappan ...Petitioner

Vs.

1. The Assistant Commissioner of Labour,
O/o. The Deputy Commissioner of Labour,
Dr.Balasundarma Road,
Coimbatore - 18.

2. The Management,
RSL Textiles (India) Limited,
69, Palakkad Main Road,
Kuniamuthur, Coimbatore - 8.

3. A.Rajendran

4. N.Muthusamy

5. C.Easwaran

6. N.Rajendran

7. D.Santhana Krishnan

8. T.Anandakumar

9. P.Vijayakumar

10. N.Shanmugham

11. R.Durairaj

12. R.Shanmugham

13. K.Manivasagam

...Respondents

Constitution of India praying to issue the Writ of Mandamus, to direct the first respondent to take necessary action for the enforcement of the settlement dated 10.04.2004 under Section 18(1) of Industrial Disputes Act, 1947 by considering the representation dated 19.04.2004.

For Petitioner : Mr.S.Senthil Kumar
for Mr.D.Muthu

For Respondents: Mr.M.Elumalai
Government Advocate [R1]
No Appearance [R2] 10 to 13
Mr.G.B.Saravanabhavan [R3] for RR3 to 9

ORDER

The relief sought for in the present writ petition is for a direction to direct the first respondent to take necessary action for the enforcement of the settlement dated 10.04.2004 under Section 18(1) of Industrial Disputes Act, 1947 by considering the representation dated 19.04.2004.

2. By issuing a direction to consider the representation, the same would do no service to the cause of justice. The litigant will be back again to the Court. This apart, the relief as if sought for in the present writ petition cannot be granted for the enforcement of the settlement under the Industrial Disputes Act. The writ petition/Union has to approach the Competent Authorities and thereafter, before the Labour Court.

3. Contrarily, the petitioner cannot file a writ petition and seek for a direction to direct the first respondent to take necessary action for the enforcement of the settlement entered under Section 18(1) of the Industrial Disputes Act, 1947.

4. In view of the fact that the relief sought for is innocuous, this Court is of the considered opinion that if at all any grievance exist, as of now, it is left open to the writ petitioner to approach the Competent Authority under the provisions of the Industrial Disputes Act for the purpose of redressing their grievances.

5. With these observations, the writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

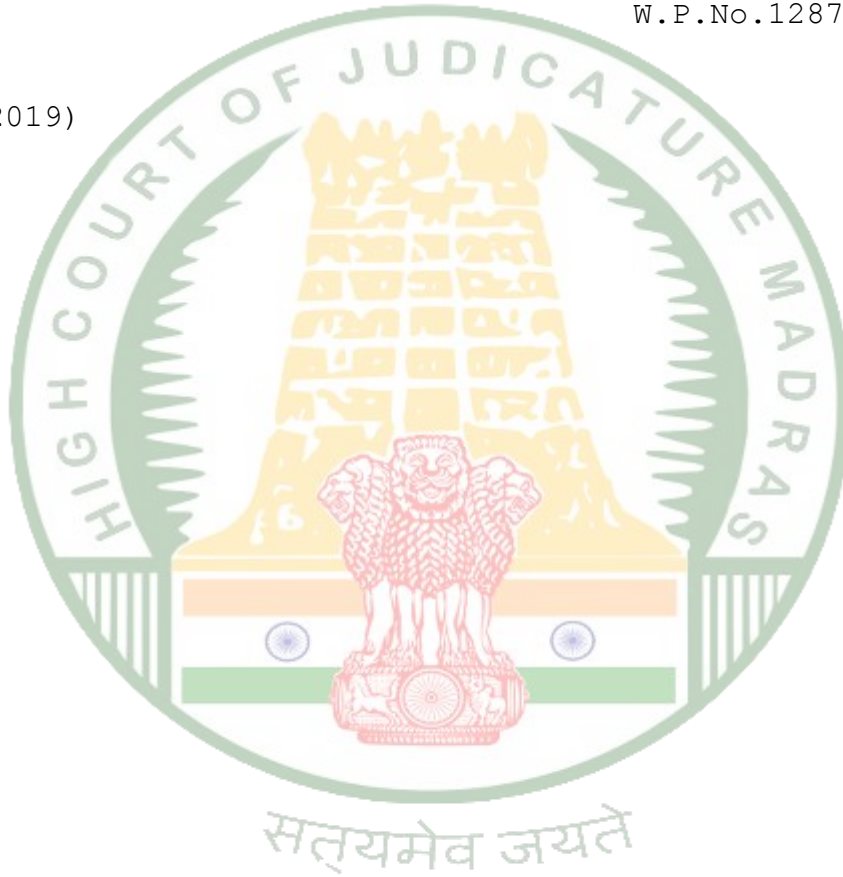
To

1. The Assistant Commissioner of Labour,
O/o. The Deputy Commissioner of Labour,
Dr.Balasundarma Road,
Coimbatore - 18.

+1cc to MrG.B.Saravanabhavan, Advocate, S.R.No. 79131
+1cc to the Government Pleader, S.R.No. 79292

W.P.No.12879 of 2004

MR(CO)
GN(15/11/2019)



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