

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.02.2019

CORAM:
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.2130 of 2019

India Radiators Employees Union
represented by its Secretary
(Reg.No.4/CPT), Puzhal,
Chennai-66. ...Petitioner

Vs

- 1.The Registrar of Trade Unions (Special Joint
Commissioner of Labour),
4th floor, TN Labour welfare Board Bldgs,
DMS Compound, Teynampet, Chennai-6.
- 2.The Management of Indian Radiators Limited,
Puzhal, Chennai-66 ...Respondents

Prayer:- This Writ Petition is filed, under the Article 226
of Constitution of India, to issue a Writ of Mandamus, to
direct the 1st Respondent to act on the letter of
Petitioner, dated 10.01.2019 and to issue duplicate
certificate of registration.

For Petitioner : Mr.K.M.Ramesh

For Respondent : Mr.M.Karthikeyan, AGP-R1
Mr.T.S.Gopalan-R2

ORDER

The prayer in this Writ Petition is to direct
the 1st Respondent to act on the letter of Petitioner,
dated 10.01.2019 and to issue duplicate certificate of
registration. Mr.M.Karthikeyan, the learned Additional
Government Pleader takes notice for the 1st Respondent.

2. This court heard the learned counsel on either
side and also perused the materials placed on record.

3. According to the learned counsel for the
Petitioner, a settlement under Section 12(3) of the
Industrial Dispute Act, was arrived at between the parties.
But, the Petitioner did not agree for payment in
instalments, but insisted for one time settlement.

Thereafter, under Section 18(1) of the Act, a settlement was arrived at between the Petitioner and the 2nd Respondent on 22.11.2017. A small group of workmen objected to the settlement by raising objections. Therefore, the Petitioner has approached the Deputy Commissioner of Labour, Chennai, to hold conciliation for the purpose of converting the 18(1) settlement into one of settlement under Section 12(3) of the ID Act. The said Labour Commissioner has refused to make a settlement as one arrived at under Section 12(3) of the ID Act. Hence, the Petitioner has filed WP.No.32897 of 2017, which was allowed and the appeal filed as against the same was dismissed. Since the Special Deputy Commissioner of Labour has insisted to produce the registration certificate of the Petitioner Union, the Petitioner has approached the 1st Respondent to issue a registration certificate and the 1st Respondent has refused to give the same. Hence, the Petitioner has sent a representation, dated 10.01.2019, to the 1st Respondent, seeking issuance of registration certificate. Since the said representation is not considered so far, this Writ Petition has been filed, seeking the relief, as stated above.

4. On instructions, the learned Additional Government Pleader for the 1st Respondent would submit that the Petitioner Union was registered on 04.12.1067 and the 1st Respondent is not able to trace out the registration certificate of the Petitioner and hence, the Respondent Department will issue a duplicate certificate or any other authorised certificate in any other format, on payment of necessary charges, if any, by considering the said representation of the Petitioner Union

5. Considering the submissions of the learned counsel on either side, the 1st Respondent is directed to consider the representation of the Petitioner Union, dated 10.01.2019 and pass appropriate orders, on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Srcm

To

1.The Registrar of Trade Unions (Special Joint
Commissioner of Labour),
4th floor, TN Labour welfare Board Bldgs,
DMS Compound, Teynampet, Chennai-6.

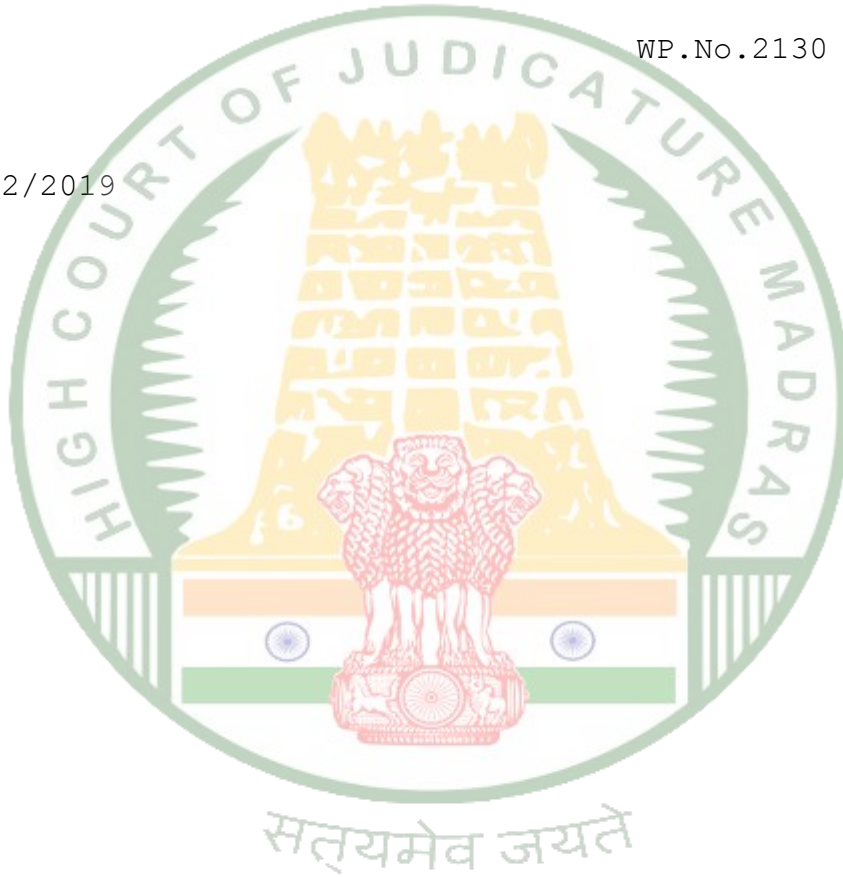
2.The Management of Indian Radiators Limited,
Puzhal, Chennai-66.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.8724

WP.No.2130 of 2019

RSV(CO)

rrs 04/02/2019



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