

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 22.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.27707 of 2004
and
WP.MP.No.3118 of 2005

Kamaraj National Labour Organisation,
Gopalapuram.

Rep. by its President
Mr.P.Ravindran

...Petitioner

Vs

1. The Assistant Commissioner of Labour/
The Controlling Authority
Under Gratuity Act,
O/o.The Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore - 18.

2. M/s.The Coimbatore Pioneer Mills Ltd.,
No.1, Pioneer Mill Road,
Peelamedu,
Coimbatore - 641004.
Rep. by its Managing Director,
Mr.P.Vivekanand

3. National Textile Workers Union (INTUC),
Trichy Road, Ramanathapuram,
Coimbatore - 641045.

4. Marumalarichi Thozhildar Munnetra,
Sangam (MLF),
Tatabad,
Coimbatore - 641012.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 01.09.2004 thereby to take necessary action against 2nd respondent in the enforcement of settlement dated 15.03.2004 arrived under Section 18(1) of Industrial Disputes Act, 1947 between the petitioner and the 2nd respondent, within the time limit.

For Petitioner : No Appearance

For Respondents: Mr.K.Rajendra Prasad, AGP
for R1

Mr.S.Saravanan
for R2
R3, R4 - disd. vide court order
dated 21.12.2009

O R D E R

This Writ Petition has been filed by the Trade Union seeking for disposal of the representation dated 01.09.2004 given to the 1st respondent for taking necessary action against the 2nd respondent for enforcing settlement dated 15.03.2004. After lapse of 14 years, it would not be appropriate to direct the 1st respondent to consider the petitioner's representation dated 01.09.2004. Nevertheless, if the petitioner's grievance still subsists, it is always open to them to make a fresh representation.

2. In the light of the above observations, the petitioner is granted liberty to make a fresh representation, incase their grievances are still subsisting, to the 1st respondent, who intun shall consider the said application as expeditiously as possible on its own merits and pass appropriate order in accordance with law.

3. With the above observations, the present Writ Petition stands closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

hvk
To

The Assistant Commissioner of Labour/
The Controlling Authority
Under Gratuity Act,
O/o.The Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore - 18.

+1 CC to Mr.S.Saravanan, Advocate sr 17130.

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SP(29/03/2019)