

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.26479 of 2009

and

M.P.No.1 of 2009

The Management of

M/s.Needle Industries (India) Pvt. Ltd.,
The Nilgiris, Pin : 643 243.
Rep., by its Vice President.

.. Petitioner

-vs-

The Labour Court,
Office of the Deputy Commissioner of Labour,
Bedford, (Below SBI), Coonoor.

.. Respondent

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the
records connected with Order Ref. N.A.No.E/4777/2000 dated
01.04.2009 on the file of the respondent and to quash the said
order dated 01.04.2009 made therein.

For Petitioner : Ms.Lakshya Anand
For M/s.S.Ramasubramaniam Associates

For Respondent : Mr.J.Ramesh,
Additional Government Pleader

ORDER

The order dated 01.04.2009, passed by the respondent
returning the copy of the documents submitted by the writ
petitioner Management regarding 18(1) Settlement is under
challenge in the present writ petition.

2.The petitioner Management made a submission that they
have entered into 18(1) Settlement with the workmen and there
was no complaint regarding such settlement by the workmen.

3.Ms.Lakshya Anand, learned counsel appearing on behalf of
the writ petitioner vehemently contended that in the absence of
any objection on the side of the workmen, the respondent cannot
reject the settlement entered into between the Management and

the workmen under Section 18(1) of the Industrial Disputes Act, 1947 (for short "the Act").

4.To substantiate the contention, the learned counsel for the writ petitioner relied on Rule 25 of the Tamil Nadu Industrial Disputes Rules, 1958, wherein a settlement arrived at in the course of conciliation proceedings or otherwise, shall be Form 'B' and if the settlement is signed by the parties as per the procedures prescribed, the same is to be accepted by the competent authority. In other words, it is contended that the respondent has no power to reject the 18(1) Settlement entered into between the Management and the workmen and therefore, the impugned order is liable to be scraped.

5.The learned Additional Government Pleader appearing on behalf of the respondent disputed the contentions by stating that the documents were not properly filed by the writ petitioner Management and therefore, the respondent had returned the same and there is no infirmity as such.

6.Perusal of the impugned order dated 01.04.2009 reveals that there is no rejection of 18(1) Settlement and the respondent has not interfered with the terms and conditions of the Settlement under Section 18(1) of the Act. Contrarily, the respondent states that the details regarding the Salary, PF, Gratuity and other particulars of the workmen are not provided enabling them to take on file the 18(1) Settlement.

7.This Court is of a considered opinion that any competent authority on receipt of any such settlement or other documents is bound to verify the correctness of the same. Undoubtedly, the power of rejection is something different. However, even on receipt of such papers and for keeping the same on record, the authority competent is bound to verify the particulars, information or otherwise with reference to the settlement filed by the Management.

8.The impugned order states that the documents were returned to the writ petitioner Management. It is not rejected. Thus, the writ petitioner Management has misconstrued the impugned order and approached this Court on the ground that the order impugned is a rejection order. Contrarily, it is not a rejection order and the plain reading of the impugned order shows that the respondent had returned the papers for want of certain particulars and under these circumstances, the writ petitioner Management is at liberty to re-present the papers along with complete particulars and in the event of re-submitting the papers by the writ petitioner Management, the respondent is bound to receive the same and verify the particulars and details and accordingly, take on file.

9. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

abr
To

The Labour Court,
Office of the Deputy Commissioner of Labour,
Bedford, (Below SBI), Coonoor.

+1 CC to M/s.S.Ramasubramaniam Associates, sr 89411
+1 CC to The Govt. Pleader sr 90379

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AD (CO)
SP (03/12/2019)



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