

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.03.2019
CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.3570 of 2019

M.K.Mathaiyan,
Secretary - Krishnagiri Dt,
"All India Trade Union Congress" ,
(Unit of SUA Explosive Employees Union),
No.H-93, Nehru Nagar,
Hosur Taluk,
Krishnagiri District 635 109.

... Petitioner

Vs

1.The Management of SUA Explosives & Accessories (P) Ltd.,
Onnalvadi Village & Post,
Hosur Taluk,
Krishnagiri District.

2.The Assistant Commissioner of Labour,
Krishnagiri,
Krishnagiri Dt.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the second respondent to dispose of the petitioner Union's representation along with charter of demands dated 13.12.2017, on merits.

For Petitioner : Mr.T.Fenn Walter Asso.

For Respondents : Mr.S.Haroon Al.Rasheed for
M/s.T.S.Gopalan & Co. for R1

: No appearance for R2

O R D E R

The present writ petition has been filed to direct the second respondent to dispose of the petitioner Union's representation along with charter of demands dated 13.12.2017, on merits.

2. According to the petitioner Union that they have raised 2 (K) dispute before the second respondent on 13.12.2017. Despite several hearings before him, no progress has been made since December 2017. The dispute has been pending without attaining any finality. According to the petitioner, the first respondent

Management is not co-operating with the Conciliation. Because of the same, the Conciliation has not attained the finality.

3. Today, when the matter is taken up for hearing, on behalf of the first respondent Management, counter affidavit has been filed, refuting the statement and contention made on behalf of the petitioner. In paragraph No.4, the first respondent Management has clearly stated that on several occasions, they have attended the enquiry initiated by the second respondent and despite the same, the Conciliation Officer has not concluded the proceedings.

4. The learned counsel for the first respondent Management would submit that it is not the fault of the Management that the conclusion has not been reached in the matter and the submission in this regard by the learned counsel for the petitioner, is baseless and contrary to the records.

5. Considering the submission made on behalf of the parties and considering the fact that the prayer sought for in this writ petition is limited in its scope, the writ petition is disposed of with the following directions:-

(i) The second respondent, on whose file, the conciliation is pending, shall initiate appropriate steps to conclude the proceedings.

(ii) The Conciliation Officer, in case, finds that there is no settlement arrived at between the petitioner and the first respondent, shall proceed to file a failure report to the Government.

(iii) The Conciliation Officer while proceeding to conclude the proceedings, shall not insist on the presence of the Management and in case, it is not inclined to attend any hearing, it is always open to the Conciliation Officer to submit a report on the basis of the conduct of the parties.

(iv) The entire exercise shall be completed by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition stands disposed of, on the above terms. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//
Sub Assistant Registrar

gsk

To

1.The Management of SUA Explosives & Accessories (P) Ltd.,
Onnalvadi Village & Post,
Hosur Taluk,
Krishnagiri District.

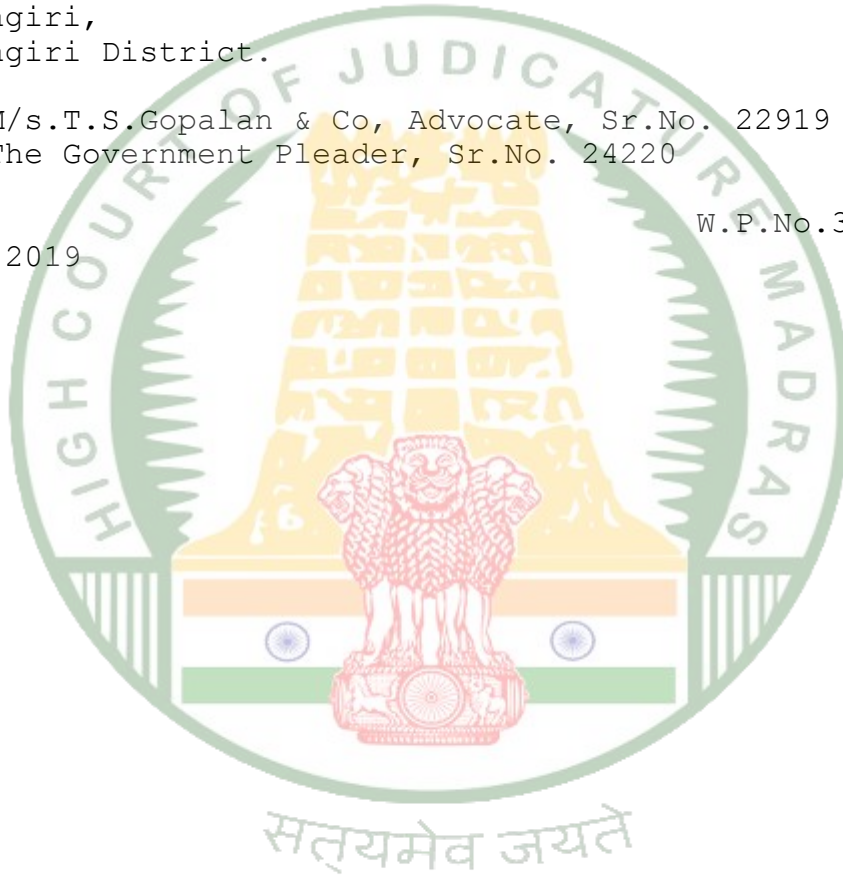
2.The Assistant Commissioner of Labour,
Krishnagiri,
Krishnagiri District.

+1 cc to M/s.T.S.Gopalan & Co, Advocate, Sr.No. 22919

+1 cc to The Government Pleader, Sr.No. 24220

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CSL/27.04.2019



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