

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 21.02.2019

CORAM
THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P. NO. 4970 OF 2019
AND
W.M.P. NO. 5673 OF 2019

MRF United Workers Union
rep. By its General Secretary
No.100/1122, Pandit Jawaharlal Nehru
2nd Street, Sholingur Road
Arakkonam 631 001.

.. Petitioner

- Vs -

1. The Government of Tamil Nadu
rep. By its Secretary
Department of Labour & Employment
Fort St. George, Chennai - 9.
2. The Assistant Commissioner of
Labour I (Conciliation), Vellore.
3. The Management of MRF Ltd.
Rep. By its Managing Director
Ichiputhur, Arakkonam
Vellore District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 2nd respondent, the Assistant Commissioner of labour I, Conciliation, Vellore to conclude the conciliation proceedings pertaining to the Industrial Dispute raised by the petitioner union on 20.11.2018 bearing Ref. No.NA.KA. No.603/2018 within such time as stipulated by this Hon'ble Court and in the event of failure of conciliation direct the conciliation officer to forward the necessary report required under Section 12 of the Industrial Disputes Act to the Government of Tamil Nadu, the 1st respondent and further direct the 1st respondent Government of Tamil Nadu to pass orders with regard to the reference of the Industrial Dispute.

For Petitioner : Mr. V.Prakash, SC,
for Mr. K.Sudalai Kannu

For Respondents : Mr. J.Ramesh, AGP for RR-1 & 2
M/s.T.S.Gopalan & Co. for R-3

ORDER

The present writ petition has been filed by the petitioner praying to issue a writ of mandamus directing the 2nd respondent, the Assistant Commissioner of labour I, Conciliation, Vellore to conclude the conciliation proceedings pertaining to the Industrial Dispute raised by the petitioner union on 20.11.2018 bearing Ref. No.NA.KA. No.603/2018 within such time as stipulated by this Hon'ble Court and in the event of failure of conciliation direct the conciliation officer to forward the necessary report required under Section 12 of the Industrial Disputes Act to the Government of Tamil Nadu, the 1st respondent and further direct the 1st respondent Government of Tamil Nadu to pass orders with regard to the reference of the Industrial Dispute.

2. According to Mr.V.Prakash, learned senior counsel for the petitioner herein, the workman, T.Ramesh, was issued with a charge memorandum on 30.6.17 and in pursuance to the charge memo, an enquiry was conducted. On conclusion of the enquiry, second show cause notice was issued. According to the learned senior counsel for the petitioner, the enquiry officer acted in a biased manner and, therefore, the conclusion reached by him is lopsided. There was no impartial enquiry conducted against the said workman and, therefore, demand has been raised by the Union for change of enquiry officer, which is pending before the 2nd respondent. Unfortunately, before conclusion of the conciliation proceeding, if any action is taken by the Management adversely against the interest of the workman, the family of the workman will suffer great hardship and it will take years for the workman concerned to remedy the situation. Therefore, learned senior counsel for the petitioner submits that till the conciliation is concluded by the 2nd respondent, the interest of the workman concerned should be protected, failing which the workman will suffer irreparable loss and hardship, which cannot be compensated, particularly in view of the fact that the litigation, either before the industrial adjudicator or before this Court will take long years to be concluded.

3. Mr.J.Ramesh, learned Addl. Government Pleader takes notice for respondents 1 and 2 and Mr.Anand, learned counsel representing M/s.T.S.Gopalan & Co. takes notice on behalf of the 3rd respondent.

4. Mr.Anand, learned counsel appearing for the Management/3rd respondent submits that this Court may direct the 2nd respondent to conclude the enquiry as expeditiously as possible so that the the entire dispute, as raised by the learned senior counsel for the petitioner, could be given a quietus as the 2nd respondent would be in a position to take a

decision in regard to the dispute raised by the petitioner/Union on behalf of its member.

5. To the above submission, learned senior counsel appearing for the petitioner submitted that a direction may be issued to the 2nd respondent for early conclusion of the conciliation proceedings in pursuance to the dispute raised by the petitioner.

6. In view of the submissions advanced by the learned counsel appearing on either side, this Court feels that in the fitness of things, the writ petition could be disposed of at the admission stage. Accordingly, this writ petition is disposed of with the following directions :-

i) The 2nd respondent is directed to conclude the conciliation proceedings pursuant to the industrial dispute raised by the petitioner on 20.11.18 bearing Ref. No.NA.KA. No.603/2018 within a period of two weeks from the date of receipt of a copy of this order.

ii) In case there is any failure in the conciliation proceedings before the 2nd respondent, necessary report may be forwarded to the competent authority in terms of the provisions of the Industrial Disputes Act.

7. The above direction is given by this Court at the time of admission itself for the reason that notice of conciliation has already been issued to the 3rd respondent on 26.11.18, i.e., on the date when the dispute was raised and on 4.1.19, the 3rd respondent/Management has also responded to the conciliation notice.

8. In view of the direction given as above for conclusion of the conciliation proceedings within a period of two weeks from the date of receipt of a copy of this order, there shall be an order of status quo as on date till the conciliation is concluded as per the above directions.

9. This writ petition is disposed of with the aforesaid directions. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary
Department of Labour & Employment
Government of Tamil Nadu
Fort St. George, Chennai - 9.
2. The Assistant Commissioner of
Labour I (Conciliation), Vellore.

W.P. NO. 4970 OF 2019

MG (CO)

rrs 22/02/2019



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