

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24321 of 2016
W.M.P.No.20815 of 2016

Raja Crowns Employees Union,
1/310, Thratchai Thottam,
M.G.R.Nagar,
Moogandapalli,
Housr, Krishnagiri,
Rep.by its Vice President
Mr.R.Venu.Petitioner

vs.

1. The Labour Commissioner,
DMS Compound, Teynampet,
Chennai-600 006.
2. The Joint Commissioner for Labour,
DMS Compound, Teynampet,
Chennai-600 006.
3. The Labour Officer,
Krishnagiri,
Krishnagiri District.
4. Raja Crowns and Cans Pvt.Ltd.,
P.No.70B, 71, Phase-II, SIPCOT Industrial Complex,
Hosur-635 109. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to forbear the 4th respondent from implementing the standing order against 12(3) settlement based on the representation dated 30.05.2016.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.N.Sakthivel
Additional Government Pleader
for RR1 to 3.

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents 1 to 3 to forbear the 4th

respondent from implementing the standing order against 12(3) settlement based on the representation dated 30.05.2016.

2. The writ petitioner is Employees Union under the brand name "Raja Crowns Employees Union".

3. The learned counsel for the writ petitioner states that the 4th respondent/company issued a standing order, which is in violation of the terms and conditions stipulated in 12 (3) settlement.

4. However, if at all any such violation is noticed or if the standing order is in violation of the 12(3) settlement, it is left open to the writ petitioner to approach the Competent Authorities by following the procedures contemplated under law. Contrarily, based on such apprehension, no writ petition can be entertained. It is a pre-condition that right is to be established for the purpose of entertaining the writ petition. Mere apprehension that a standing order will be implemented, which is contrary to the 12(3) settlement, may not be a ground, in view of the fact that such an issue requires adjudication.

5. First of all, the standing order, if at all any issue is in violation of the 12(3) settlement or not, itself is an issue to be adjudicated. In the event of any violation of the 12(3) settlement, the writ petitioner/Union is at liberty to approach the Competent Court in the manner prescribed, and the relief as such sought for in the present writ petition to forbear the 4th respondent, cannot be granted.

6. With these liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Ssb

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Labour Commissioner,
DMS Compound, Teynampet,
Chennai-600 006.

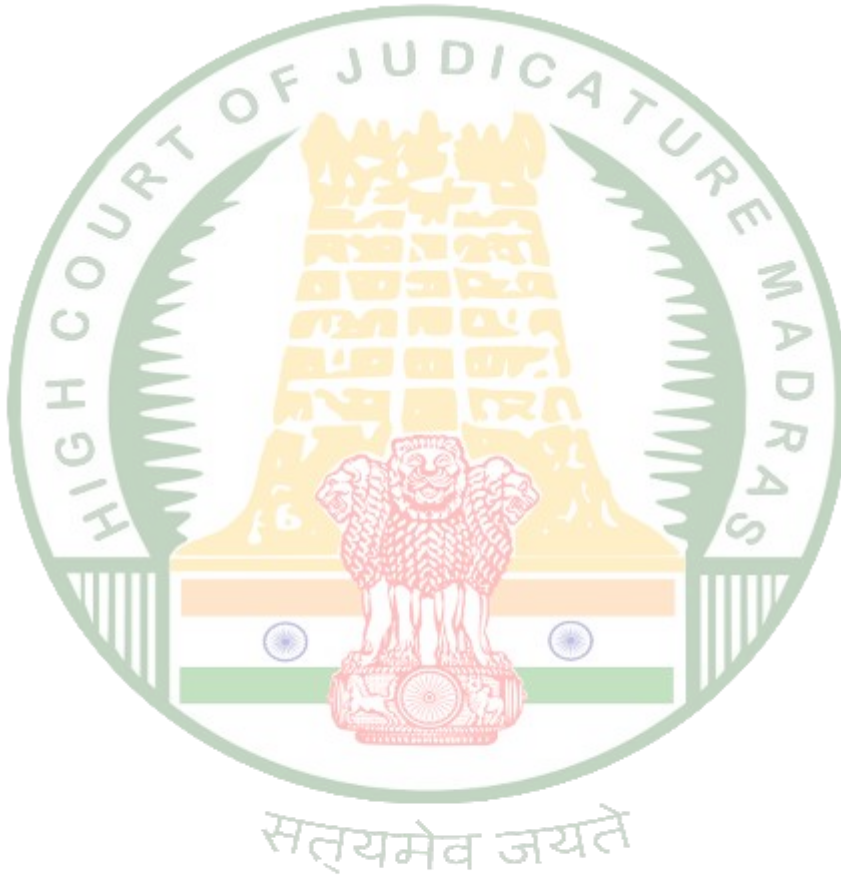
2. The Joint Commissioner for Labour,
DMS Compound, Teynampet,
Chennai-600 006.

3. The Labour Officer,
Krishnagiri, Krishnagiri District.

+1cc to Mr.M.Selvam, Advocate, SR.No.77153
+1cc to the Govt.Pleader, Vide Sr.No.77706

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Kak(23/10/2019)



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