

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.04.2019

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THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.12528 of 2019

Tamil Nadu Minkazaga Thozhilalar

Munnetra Sangam,

Reg.No.38CPT,

Affiliated to Labour Progressive Federation

Rep. by its General Secretary

Sri.Singara Rathinasabapathi,

No.144, Anna Salai,

Chennai 600 002.

... Petitioner

Vs

1.The Assistant Commissioner of Labour (Conciliation -2),
Kuralagam,
Chennai-108.

2.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Labour and Employment,
Chennai - 600 009.

3.The Tamil Nadu Generation and Distribution Corporation,
Rep. by its Chairman cum Managing Director,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002.

4.The Chief Engineer / Personnel,
The Tamil Nadu Generation and Distribution Corporation,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the first respondent to conclude the conciliation proceedings, commenced on the industrial dispute raised by the petitioner union on 29.11.2018, expeditiously and within such time as stipulated by this Court and further direct the aforesaid respondent to forward the conciliation failure report to the second respondent Government with consequent direction to the second respondent Government to pass orders with regard to the reference of the industrial dispute raised by the petitioner union on 29.11.2018 for adjudication and issue such further or other appropriate orders or directions as this court may deem fit.

For Petitioner : Mr.V.Prakash, SC for
Ms.M.Karthikeyani

For Respondents : Mr.J.Ramesh,
Addl. Govt. Pleader for R1 & R2

O R D E R

The present writ petition has been filed to direct the first respondent to conclude the conciliation proceedings, commenced on the industrial dispute raised by the petitioner union on 29.11.2018, expeditiously and within such time as stipulated by this Court and further direct the aforesaid respondent to forward the conciliation failure report to the second respondent Government with consequent direction to the second respondent Government to pass orders with regard to the reference of the industrial dispute raised by the petitioner union on 29.11.2018.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner is a Union representing the interest of its members who are employees of TANGEDCO. Claiming certain service benefits, the Union has raised a dispute before the first respondent on 29.11.2018. After notice was issued by the first respondent, the other respondents have appeared and conciliation process was set in motion.

4. The grievance of the petitioner herein is that despite passage of time, the conciliation has not been concluded and therefore, the members of the petitioner Union are unable to vindicate their rights before the Industrial adjudicator. Therefore, the petitioner is before this Court seeking issue of writ of mandamus.

5. Since the prayer sought for in this writ petition is limited in its scope and the learned Additional Government Pleader appearing for the respondents 1 and 2 has no legitimate objection for disposal of the writ petition, the writ petition stands disposed of with the following directions at the admission stage itself.

(i) The first respondent is directed to conclude the conciliation within a period of four weeks from the date of receipt of a copy of this order and submit a report to the second respondent.

(ii) The second respondent, on receipt of such report from the first respondent, shall refer the matter for adjudication before the appropriate Labour Court or Industrial Tribunal, within a period of eight weeks thereafter.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gsk

To

- 1.The Assistant Commissioner of Labour (Conciliation -2),
Kuralagam,
Chennai-108.
- 2.The Secretary,
The Government of Tamil Nadu,
Department of Labour and Employment,
Chennai - 600 009.
- 3.The Chairman cum Managing Director,
The Tamil Nadu Generation and Distribution Corporation,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002.
- 4.The Chief Engineer / Personnel,
The Tamil Nadu Generation and Distribution Corporation,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002.

+1 cc to Mr.M.Karthikeyani, Advocate, Sr.No. 42120
+1 cc to The Government Pleader, Sr.No. 41305

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LN(CO)
CSL/12.06.2019

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