

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.10.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9429 of 2014

V.M.Chinnaraji
Secretary (FITU),
Jolarpettai Ikkya Beedi Thozhilalar Sangam,
Jolarpet,
Vellore District.

... Petitioner

..Vs..

1. The Secretary to Government
Department of Labour,
Fort St. George,
Chennai 600 009.
2. The Commissioner of Labour,
Teynampet,
D.M.S.Compound,
Chennai - 600 003.
3. The Assistant Commissioner of Labour,
Department of Labour,
Krishnagiri.
4. Jothi Home Industries,
(Ganesh Beedi)
Represented by its Managing Director,
Kattinayanapalli Post,
Krishnagiri District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents (1 & 4), to pay the arrears of the period from 04.02.2011 to 11.09.2012 (19 months) as per the settlement 12(3) of Industrial dispute Act 1947, fixation in the light of the G.O.(2D).No.1 of Labour and Employment Department dated 04.02.2011.

For Petitioner : Mr.K.Thiruvalluvan
For R1 to R3 : Mr.J.Ramesh
Additional Government Pleader
For R4 : Mr.Anand Gopalan
For M/s.T.S.Gopalan and Co.

O R D E R

The relief as such sought for in the present writ petition is to direct the respondents to pay arrears for the period, from 04.02.2011 to 11.09.2012 as per the 12(3) Settlement of the Industrial Disputes Act, 1947 and in the light of the Government order issued in G.O.(2D).No.1 of Labour and Employment Department dated 04.02.2011.

2. Admittedly, the writ petitioner is the Secretary of the Jolarpettai Ikkya Beedi Thozhilalar Sangam. The Members of the Sangam are working with the fourth respondent/Jothi Home Industries. Thus, no writ cannot be entertained for the purpose of issuing a direction against the fourth respondent, in respect of the wages to be paid with reference to the 12(3) Settlement. The writ petitioner is at liberty to raise an Industrial Dispute by following procedures contemplated under the Industrial Dispute Act, 1947.

3. This being the facts and circumstances, the writ petition cannot be entertained and the relief as such sought for against the fourth respondent/Jothi Home Industries cannot be granted, as the fourth respondent is not a State within the meaning of Article 12 of the Constitution of India.

4. Accordingly, the writ petition stands dismissed as not maintainable. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

dua/pns

To

1.The Secretary to Government
Department of Labour,
Fort St. George,
Chennai 600 009.

2.The Commissioner of Labour,
Teynampet, D.M.S.Compound,
Chennai - 600 003.

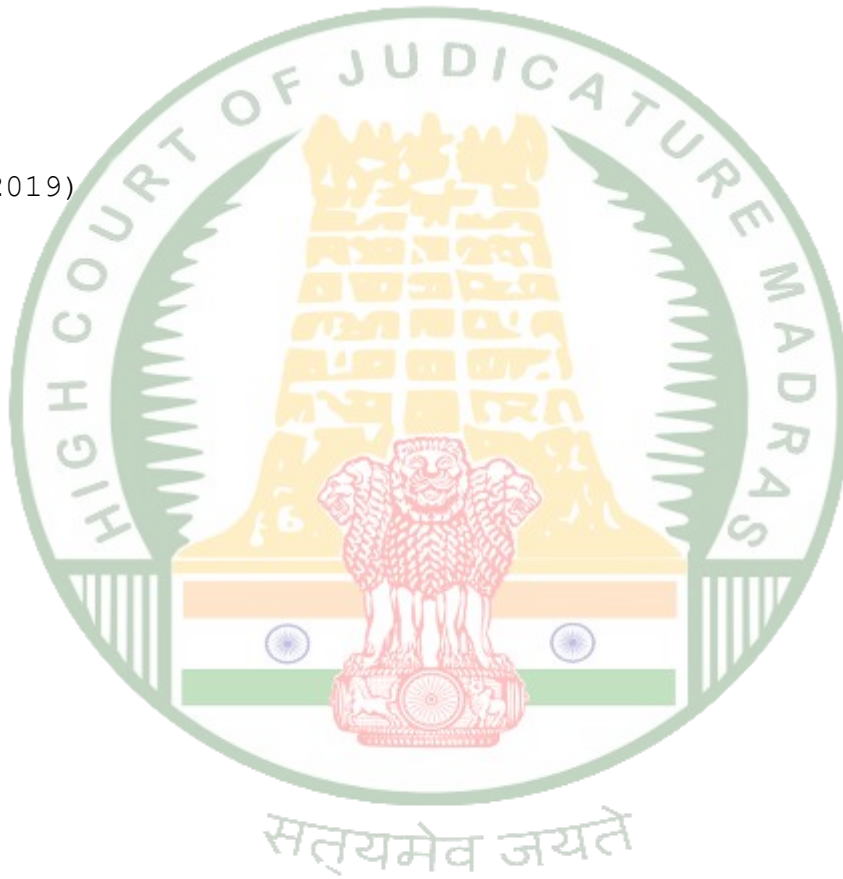
3.The Assistant Commissioner of Labour,
Department of Labour,
Krishnagiri.

4.Jothi Home Industries,
(Ganesh Beedi)
the Managing Director,
Kattinayanapalli Post,
Krishnagiri District.

+1 CC to M/s.T.S. Gopalan & Co, sr 86825.

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MR(CO)
SP(17/12/2019)



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