



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 09.07.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No. 19652 of 2019

T.Murugan

...Petitioner

Vs.

1.The Deputy Commissioner of Labour
(Conciliation - II), No.108, Kuralagam,
3rd Floor, Esplanade Road, Broadway,
Chennai - 600 001.

2.The Management,
Mercury Precition Products Pvt.Ltd., Unit 2,
126/1 & 2 Mappedu 'B' Block,
Hussain Nagaram, Thiruvallur Taluk & District - 105.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus to issue direction to the first respondent to cancel the termination order passed by the second respondent dated 08.10.2018 by considering the pending application filed under Section 33(2)(b) of Industrial Dispute Act and thereby restore the petitioner in service with all attendant benefits from the day one of his termination.

For Petitioner : Mr.S.Silambarasan

For Respondents : Mr.I.Sathish, AGP (for R.1)

ORDER

The writ petition has been filed seeking for a writ of mandamus to direct the first respondent to cancel the termination order passed by the second respondent dated 08.10.2018, by considering the pending application, filed under Section 33(2)(b) of Industrial Dispute Act and thereby restore the petitioner in service with all attendant benefits from the day one of his termination.



2.The direction as sought in the writ petition cannot be granted, since the first respondent is not empowered to cancel the termination order passed by the second respondent. In case, the petitioner is aggrieved by any order passed by the second respondent, during the pendency of the application before the first respondent under Section 33(2)(b) of the Industrial Disputes Act, then it is always open to him to invoke the provisions of the Industrial Disputes Act and file a complaint. It is certainly not open to the petitioner to seek a direction of this nature directing the first respondent to cancel the termination order passed against him, since such power is not contemplated or vested under the Scheme of Industrial Disputes Act.

3.Therefore, this Court is of the view that the writ petition is thoroughly misconceived, untenable and cannot be entertained. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Commissioner of Labour
(Conciliation - II), No.108, Kuralagam,
3rd Floor, Esplanade Road, Broadway,
Chennai - 600 001.

2.The Management,
Mercury Precision Products Pvt.Ltd., Unit 2,
126/1 & 2 Mappedu 'B' Block,
Hussain Nagaram, Thiruvallur Taluk & District - 105.

+1cc to the Government Pleader Sr.58589
+1cc to Mr.S.Silambarasan, Advocate Sr.58422

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pvs[co]
srg 16/08/2019