

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM:

THE HONOURABLE MRS. JUSTICE V.PARTHIBAN

W.P.No.20618 of 2019
& WMP.No.19831 of 2019

The Management,
M/s.Baer Shoes(India) Private Limited,
No.90-93, Somalapuram Village Road,
Somalapuram, Ambur Taluk,
Vellore District. .. Petitioner

Vs

1. Assistant Commissioner of Labour-2,
Vellore,
No.10, Thiagarajarapuram,
Vellore-632 001.
2. The Vellore District Anaithu Labour Sangam,
No.9, Bye-pass Road,
Ambur-635 802
Vellore District. .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in its proceedings dated 01.07.2019 in Na.Ka.No.213 of 2019, and quash the same, and direct the first respondent to issue 4 documents sought for vide (i) Labour Union filed documents (ii) Management filed documents (iii) Labour Assistant Commissioner-02, Vellore all proceedings (iv) Labour Assistant Commissioner-2, Vellore all proceedings related then consequently to hold conciliation talks as per proceedings dated 31.05.2019 of the first respondent.

For Petitioner : M/s. S.Thamizharasi

For Respondents : Mr.J.Pothiraj, Spl G.P.

ORDER

This petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in its proceedings dated 01.07.2019 in Na.Ka.No.213

of 2019, and quash the same, and direct the first respondent to issue 4 documents sought for vide (i) Labour Union filed documents (ii) Management filed documents (iii) Labour Assistant Commissioner-02, Vellore all proceedings (iv) Labour Assistant Commissioner-2, Vellore all proceedings related then consequently to hold conciliation talks as per proceedings dated 31.05.2019 of the first respondent.

2. This writ petition has been filed against the notice issued by the first respondent, calling the petitioner/management to participate in the conciliation proceedings in respect of various disputes raised by the second respondent Sangam raising charter of demands against the petitioner/management. According to the petitioner/management that they have submitted a letter dated 08.06.2019, seeking certain information and documents before their participation in the conciliation proceedings. Since the information and the documents as sought for have not been made available, the petitioner/management is aggrieved by the notice issued to the petitioner/management, calling upon them to participate in the proceedings of the first respondent.

3. From the averments as contained in the affidavit filed in support of the writ petition, this Court is unable to see any basis for seeking information and documents by the petitioner / management. It appears that the petitioner /management wants to frustrate the attempt made by the second respondent in pursuing the conciliation proceedings before the first respondent and in order to scuttle the process of conciliation, the management has simply submitted a letter asking some information and the documents.

4. Even otherwise, this Court is of the view that it is always open to the petitioner/management to participate in the conciliation proceedings and impress upon the first respondent in regard to any objections to be raised in respect of the charter of demands raised by the second respondent. It is certainly not open to the petitioner/management to put spokes on the wheels of conciliation process by demanding some information under the pretext of resisting the claim of the second respondent Sangam. The attempt by the petitioner / management to seek some information even before participating in the conciliation process, is a deliberate move to upset the conciliation proceedings pending before the first respondent. In the opinion of this Court, it is a ploy on the part of the petitioner/management to drag on the conciliation proceedings in order to frustrate the attempt of the second respondent Sangam in proceeding with the process of conciliation.

5. In the said circumstances, the present writ petition filed by the petitioner is only to further their agenda in diluting the process of conciliation at the very threshold and such an attempt on the part of the petitioner/management has to be discouraged and discountenanced.

6. In view of the above, this Court is of the view that the writ petition as against the preliminary notice issued by the first respondent calling upon the petitioner/management for conciliation proceedings is not maintainable and hence, this writ petition is dismissed. No costs. Consequently, WMP is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. Assistant Commissioner of Labour-2,
Vellore,
No.10, Thiyagarajapuram,
Vellore-632 001.

+1 cc to M/s.S.Thamizharasi, Advocate, S.R.No.60582

+1 cc to the Government Pleader, S.R.No.61201

W.P.No.20618 of 2019

CA(CO)
SSM(26/08/2019)

सत्यमेव जयते

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