

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 32490 of 2019

and

WMP.No. 32820 of 2019

MRF Thozhilalar Viduthalai Munnani (MRF LLF)

Represented by its Secretary

K. Manibalan

No.95, Main Road, Eripakkam New Colony

Kariyamanickam & Post

Puducherry - 605 106

..Petitioner

vs

1. The Commissioner of Labour

Labour Department

Government of Puducherry

Gandhi Nagar, Thattanchavadi

Puducherry - 605 009.

2. The Labour Officer (Conciliation)

O/o. The Labour Officer Conciliation

No.15, 1st Floor, Nehru Nagar,

Puducherry - 605 001.

3. The General Manager,

MRF Limited

Pondicherry Unit,

Eripakkam, Puducherry - 605 106.

.. Respondents

Prayer.: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus or any other appropriate writ, order, or direction in the nature of writ of Mandamus directing the first respondent to conduct the secret ballot to identify the Trade Union which can be selected for settlement talks.

For Petitioner : Mr. G. Thyagarajan

For Respondents : Mr. A. V. Ramalingam, AGP

(Puducherry)

for R1 and R2

Mr. Anand Gopalan

for M/s. T.S. Gopalan & Co. for R3

O R D E R

The relief sought for in the present Writ Petition is for a direction to direct the first respondent to conduct the secret ballot to identify the Trade Union which can be selected for settlement talks.

2. The learned for the petitioner states that the writ petitioner Union is a registered Trade Union under the Trade Union Act, 1926. There are approximately 238 members are in the petitioner Union out of total number of workers of 1554 in the respondent MRF Limited. The grievance of the writ petitioner is that the enquiry was conducted on 31.08.2018 and the said enquiry was closed without redressing the grievance of the writ petitioner. Subsequently, the writ petitioner union sent a representation on 10.10.2019 to the respondents 1 and 2 and thereafter no action has been taken.

3. In view of the possibility of certain irregularities, the learned counsel for the petitioner reiterated that the said representation are to be considered for the purpose of conducting a secret ballot to identify the trade union which can be selected for settlement talks. Under those circumstances the petitioners have chosen to file the present Writ Petition.

4. The learned counsel appearing on behalf of the third respondent brought to the notice of this Court that based on the representation dated 10.10.2019 referred by the petitioner, the dispute is raised and the Conciliation Officer issued notice to the third respondent to participate in the dispute. The said notice of 14.10.2019 is placed before this Court which was issued by the Officer of the Labour Conciliation, Government of Puducherry. Subsequently after the enquiry conducted during the year 2018 another enquiry was conducted based on the representation of the writ petitioner union dated 10.10.2019, conciliation proceedings are initiated and in progress.

5. This being the factum, the relief sought for in the present Writ Petition cannot be granted. The petitioner is at liberty to place their grievances before the Conciliation Officer by following the procedure contemplated.

6. With these Observations, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

mrn

To

1. The Commissioner of Labour
Labour Department
Government of Puduchery
Gandhi Nagar, Thattanchavadi
Puducherry - 605 009.

2. The Labour Officer (Conciliation)
O/o. The Labour Officer Conciliation
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Puducherry - 605 001.

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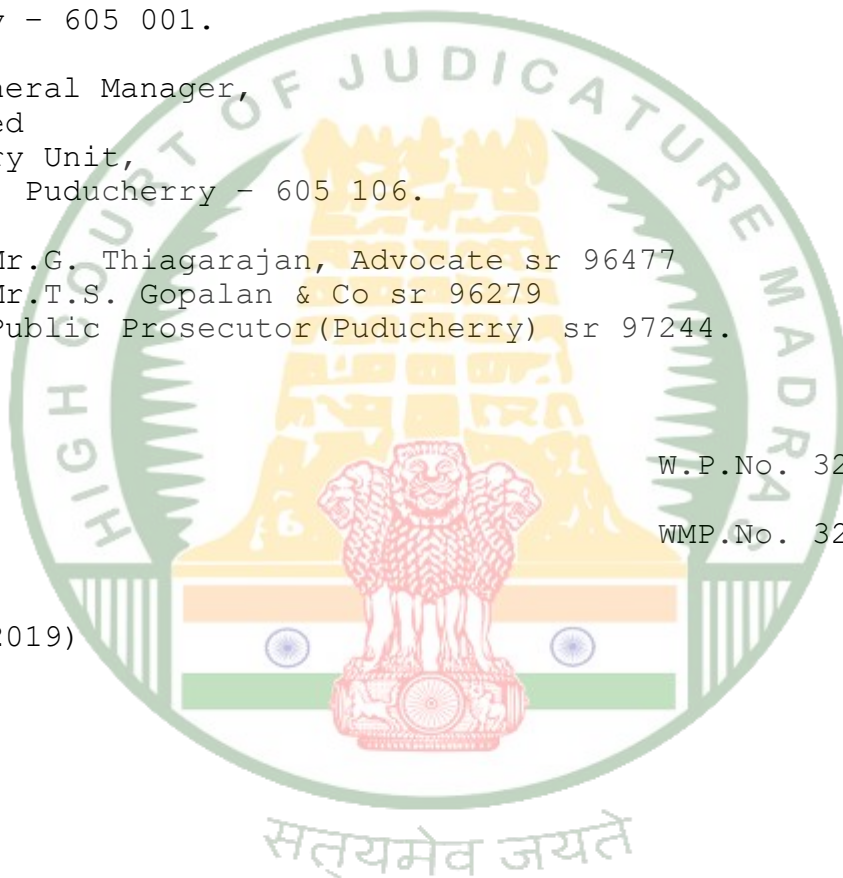
+1 CC to Mr.G. Thiagarajan, Advocate sr 96477

+1 CC to Mr.T.S. Gopalan & Co sr 96279

+1 CC to Public Prosecutor(Puducherry) sr 97244.

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SR(CO)
SP(26/12/2019)



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