

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 8980 of 2020
and
W.M.P. No. 10920 of 2020

SRF & SRF (Polymers) Employees Union
Represented by its General Secretary
#11, Bharathiar Street,
Vimalapuram
Manali,
Chennai - 600 068.

... Petitioner

-vs-

1. Government of Tamil Nadu
Rep by its Secretary to the Government
Department of Labour and Employment,
Fort St. George,
Chennai - 600 009.

2. The Deputy Commissioner of Labour (Conciliation) - II
Kuralakam,
Chennai - 600 108.

3. The Unit Head
SRF Ltd
Manali,
Chennai - 600 068.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent adjudicator to complete the conciliation proceedings in the industrial dispute raised by the Petitioner Union dated 12.05.2020 pending on the file of the 2nd respondent in a time stipulated limit and further issue an order to forbear the 3rd respondent from altering the service conditions of the members of the petitioner Union annexed with the accompanying writ petition including discontinuance of their services or any act which will result in non-employment of them, without getting prior permission from the 2nd respondent under Section 33 of the Industrial Disputes Act, 1947 till the completion of the said conciliation proceedings.

For Petitioner : Mr. A.Suresh Sakthi Murugan

For Respondents: Mr. D.Sathyaraj (For R1 and R2)
Special Government Pleader

Mr. Anand Gopalan
for M/s.T.S.Gopalan & Co. (For R3)

O R D E R
(through video conference)

Heard Mr. A.Suresh Sakthi Murugan, Learned Counsel for the Petitioner, Mr. D.Sathyaraj, Learned Special Government Pleader for the First and Second Respondents and Mr. Anand Gopalan, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the limited nature of relief claimed in the Writ Petition, this Court without expressing any view on the correctness or otherwise of the rival contentions of the parties, requires the Second Respondent to take up the conciliation proceedings in the industrial dispute raised by the Petitioner on or before 04.09.2020 and expeditiously complete the same within time limit stipulated in Section 12(6) of the Industrial Dispute Act, 1947, in the manner prescribed thereunder.

3. In the event of the conciliation proceedings resulting in failure, such report shall be immediately sent to the Appropriate Government for taking a decision as to whether the matter requires to be referred for adjudication as industrial dispute. It is made clear that the respective parties are not precluded from working out their remedies before the proper forum in the manner recognized by law for enforcing any beneficial rights that they may be legitimately entitled to claim till the conciliation proceedings are completed under the relevant statutory provisions.

Accordingly, the Writ Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

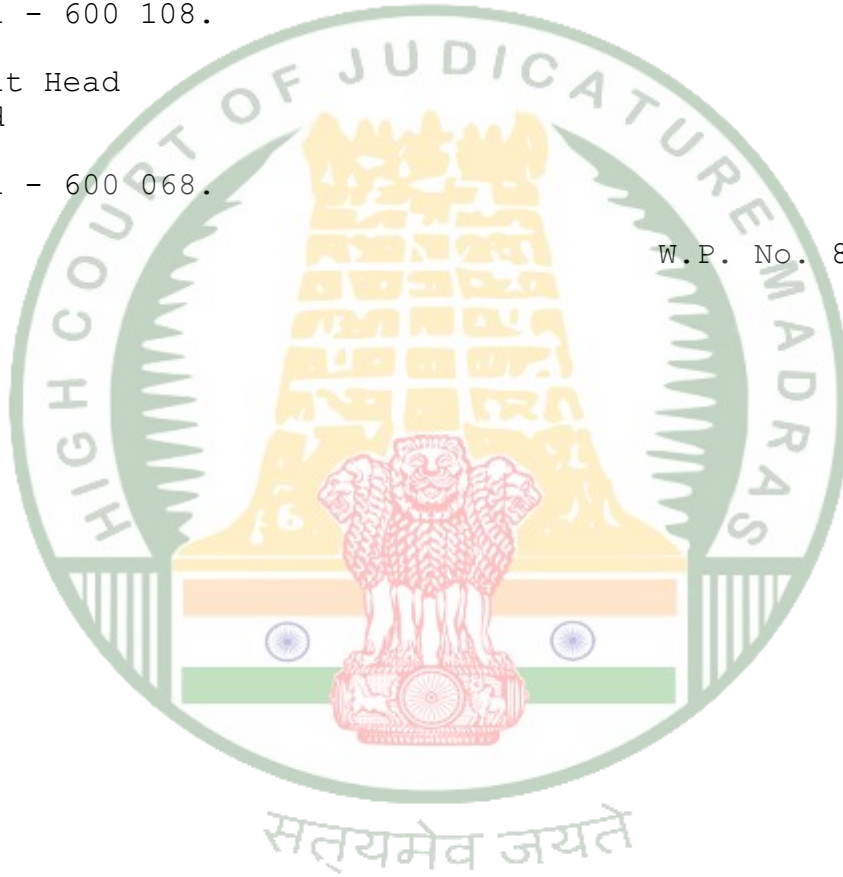
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Sub Assistant Registrar

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To

1. The Secretary to the Government,
Government of Tamil Nadu,
Department of Labour and Employment,
Fort St. George,
Chennai - 600 009.
2. The Deputy Commissioner of Labour (Conciliation) - II
Kuralakam,
Chennai - 600 108.
3. The Unit Head
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