

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 08.12.2020

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.10850 of 2020 and
W.M.P.No.13175 of 2020

M.M.Rubber Thozhilalar Sangam

Regn. No.3595/CNI

Represented by its Secretary

T.I.Mathew

No.5/3, Kalamegam Street,
1st Floor, Rajaji Nagar, Villivakkam,
Chennai - 600 049.

... Petitioner

Vs.

1. The Addl. Chief Secretary to the Government
Department of Labour and Employment
The Government of Tamil Nadu,
Fort. St. George, Chennai.
2. The Deputy Commissioner of Labour (Conciliation II),
Kuralagam, Chennai.
3. M/s.M.M.Rubber Company Limited,
Represented by its Managing Director,
No.84, SIDCO Industrial Estate,
Ambattur, Chennai - 600 098.

... Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus, to implement the G.O.No.253 dated 14/05/2020 passed by 1st respondent to implement it in its truth and spirit which is being contravened by the 3rd respondent herein through his letter dated 20/07/2020.

For Petitioner : Mr.P.Dharmaraja
For Respondents 1 & 3 : Mr.K.Magesh
Special Government Pleader
For 2nd Respondent : Mr.C.Mohan
for M/s.King & Patridge

ORDER

The prayer sought for herein is to issue a writ of mandamus to implement the G.O.No.253 dated 14.05.2020 passed by the first

respondent in its truth and spirit which is being contravened by the third respondent herein through his letter dated 20.07.2020.

2.At the request of the learned counsel appearing for the petitioner as well as the second respondent management, for reporting settlement in this matter, it is listed today under the caption 'For Reporting Settlement'.

3.There has been a dispute between the petitioner employees Union and the third respondent management and in this regard, conciliation proceedings were pending before the second respondent i.e., Deputy Commissioner of Labour (Conciliation II), Chennai and during the pendency of the writ petition, the parties i.e., the petitioner and the third respondent management entered into a settlement under Section 12(3) of the Industrial Disputes Act, 1947 on 25.11.2020 and pursuant to the said u/s settlement 12(3) of the Act between the parties, the petitioner employees Union as well as the third respondent management filed a joint memo before this Court dated 27th November, 2020, wherein, both parties as well as the learned respective counsel signed. The said joint memo dated 27.11.2020 shall form part of the order in this writ petition and the same reads thus:

"JOINT MEMO FILED ON BEHALF OF THE WRIT PETITIONER AND
THE 3RD RESPONDENT

The above named Writ Petitioner and contesting 3rd Respondent hereby file this joint memo before this Hon'ble Court as hereunder:

1. The writ petition has been filed for a Writ of Mandamus to implement G.O.No.253 dated 14.05.2020 by which the Government had referred a dispute of the Petitioner Union with the 3rd Respondent to the Labour Court for adjudication. The Writ Petitioner Union had earlier filed W.P.No.486 of 2020 which is also pending and having being directed to be clubbed and posted along with this writ petition vide order 18.08.2020 by this Hon'ble Court.

2. While the above writ petition were pending, the Petitioner Union and the 3rd Respondent Management have amicably resolved their matters and entered into a settlement under Section 12(3) of the Industrial Disputes Act, 1947 before the Conciliation Officer - 2nd Respondent herein. A true copy of the settlement executed on 25.11.2020 is enclosed along with this memo.

3. In view of the above, it is most respectfully prayed that this Hon'ble Court may be pleased to record this memo along with the enclosed settlement dated 25.11.2020 to be made part of the Court order

and record and dispose of the writ petition accordingly.

Dated at Chennai on this 27th day of November 2020."

4.By relying upon the aforesaid 12(3) settlement as well as the joint memo filed by both parties, the learned respective counsel would submit that, recording the said development of 12 (3) settlement as well as the joint memo filed in this regard, this writ petition can be disposed of accordingly.

5.In view of the above, by recording the 12(3) settlement dated 25.11.2020 as well as the joint memo dated 27th November 2020, as has been quoted herein above, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

*Xerox copy of JOINT MEMO FILED ON BEHALF OF THE WRIT PETITIONER AND THE 3RD RESPONDENT enclosed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sgl
To

1. The Addl. Chief Secretary to the Government
Department of Labour and Employment
The Government of Tamil Nadu,
Fort. St. George, Chennai.
2. The Deputy Commissioner of Labour (Conciliation II),
Kuralagam, Chennai.

+1cc to M/s.King & Partridge, Advocate in SR.NO..39538

W.P.No.10850 of 2020

kj (CO)
rv (01/02/2021)

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