

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

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

W.P. No. 10892 of 2020
and
W.M.P. No. 13220 of 2020

Workmen of Gnutty Carlo India Private Limited,
through United Labour Federation, Reg No.
Rep. by its Mr.K.Mariyappan, President
CJ Complex, 4th Floor, No.149, Thambuchetti Street,
Chennai - 600 001. ... Petitioner

-vs-

- 1.The Assistant Commissioner of Labour (Conciliation),
Old Corporation Building, Anna Salai,
Near Raja Theatre,
Vellore.
- 2.The Management of Gnutty Carlo India Private Limited,
Plat No.A-25 Engineering SEZ,
SIPCOT Industrial Complex Phase-III,
Mukundarayapuram Village, Ranipet
Vellore, Tamil Nadu - 632 405.
- 3.Mr.Chandrasekaran,
Enquiry Officer,
Care of Gnutty Carlo India Private Limited,
Plat No. A-25, Engineering SEZ,
SIPCOT Industrial Complex Phase-III
Mukundarayapuram Village, Ranipet,
Vellore, Tamil Nadu - 632 405. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the first respondent to forthwith commence
conciliation proceedings in respect of the industrial dispute
raised by the Petitioner union on 13.07.2020.

For Petitioner : Mr. V.Prakash (Senior Counsel)
for Mr. S.R.Bubala Chandran

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

O R D E R
(through video conference)

Heard Mr. V.Prakash, Learned Senior Counsel for the Petitioner and Mr. D.Sathyaraj, Learned Special Government Pleader for the First 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 First Respondent to take up the conciliation proceedings in the industrial dispute raised by the Petitioner on or before 16.09.2020 after due notice to the contesting parties and 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(CS-III)

//True Copy//

Sub Assistant Registrar

dm

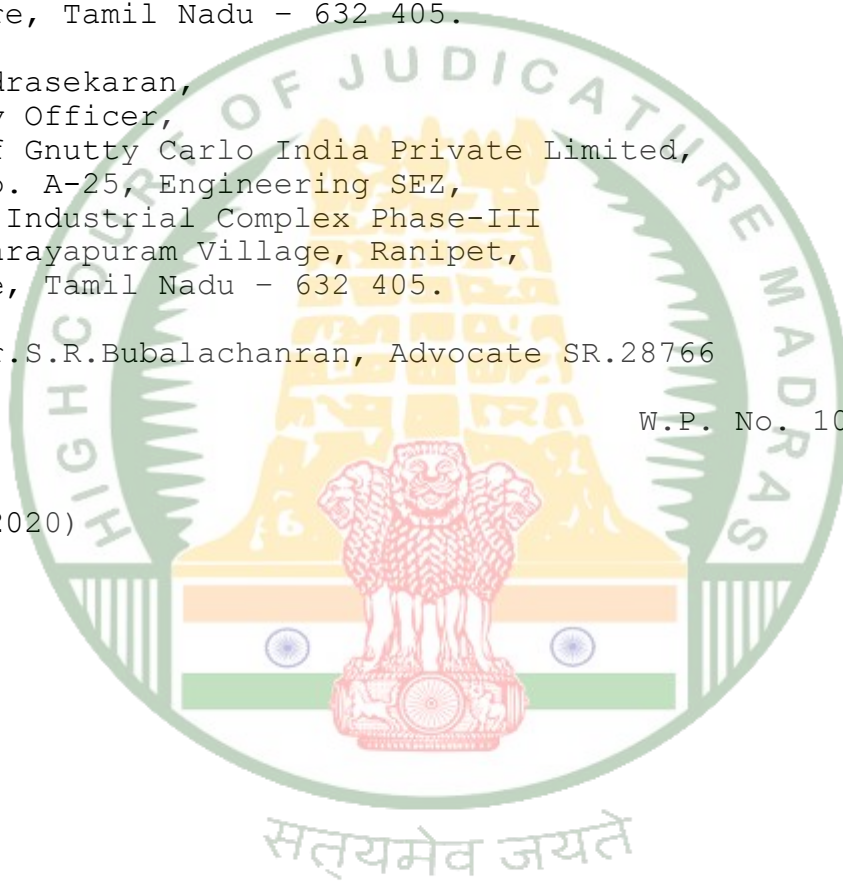
To

- 1.The Assistant Commissioner of Labour (Conciliation),
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+1cc to Mr.S.R.Bubalachanran, Advocate SR.28766

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RLD(CO)
CB(11/09/2020)



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