

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

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

W.P. No. 11292 of 2020
and
W.M.P. No. 13767 of 2020

Sodecia India Thozhilalar Sangam,
Reg. No. 224/KPM
Rep by its General Secretary,
S.Murali,
133, Gangai Amman Koil Street,
Thapalmedu Village, Pukkathurai Post,
Padalam Viz., Kancheepuram 603 308. Petitioner

-vs-

1. Assistant Commissioner of Labour (Conciliation-1)
SIPCOT Office Complex,
Irungatukottai, Sriperumbathur,
Kanchipuram District.
2. Management of Sodecia India Pvt. Ltd.,
Thapalmedu, Pukkathurai Post,
Marunthagaram Thaluk,
Kanchipuram District - 603 308.
3. Ravibabu,
Enquiry Officers,
Management of Sodecia India Pvt. Ltd.,
Thapalmedu, Pukkathurai Post,
Marunthagaram Thaluk,
Kanchipuram District-603 308.
4. Baskaran,
Enquiry Officers,
Management of Sodecia India Pvt. Ltd.,
Thapalmedu, Pukkathurai Post, Marunthagaram Thaluk,
Kanchipuram District - 603 308.
5. Srinivasan
Enquiry Officers,
Management of Sodecia India Pvt. Ltd.,
Thapalmedu, Pukkathurai Post,
Marunthagaram Thaluk,
Kanchipuram District-603 308. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent to commence conciliation proceeding in the Industrial Dispute raised by the Petitioner on 25.02.2020 and proceed in accordance with Law.

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

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

Mr. Srinath Sridevan (R2)

O R D E R

(through video conference)

Heard Mr. V.Prakash, Learned Senior Counsel for the Petitioner, Mr. D.Sathyaraj, Learned Special Government Pleader who takes notice for the First Respondent and Mr. Srinath Sridevan, Learned Counsel who takes notice for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. In view of the orders proposed to be passed in this Writ Petition, notice to the Third to Fifth Respondents is dispensed with as it would not cause any prejudice to them.

3. Learned Special Government Pleader appearing for the First Respondent, on instructions, states that the enquiry has been fixed in the conciliation proceedings on 31.08.2020. 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 the said date and expeditiously complete the same within time limit stipulated in Section 12(6) of the Industrial Dispute Act, 1947, in the manner prescribed thereunder.

4. 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.

5. In furtherance to the representation made by the Learned Senior Counsel for the Petitioner, it is informed by the Learned Counsel appearing for the Second Respondent that by an order dated 24.08.2020, time has been extended till 28.08.2020 for certain employees, who are members of the Petitioner Trade Union, to submit their reply to the second show cause notice issued to them and he has produced a copy of the same with proof of postal registration, which is placed on record.

Accordingly, the Writ Petition is disposed on the aforesaid terms. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kv/dm

To

Assistant Commissioner of Labour (Conciliation-1)
SIPCOT Office Complex,
Irungatukottai, Sriperumbathur,
Kanchipuram District.

+1cc to Mr.S.R.Bubala Chandran, Advocate, S.R.No.27633

RJI(CO)
EU 31/8/2020

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