

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14707 of 2020

And

W.M.P.No.18277 of 2020

National Maritime Academy Employees Union,
Rep. by its General Secretary,
East Coast Road, Uthandi,
Chennai - 600 119. ... Petitioner

Vs.

- 1.The Secretary,
Government of India,
Ministry of Labour and Employment,
Sharm Sakrhu Bhavan, Rafi Marg,
New Delhi 110 001.
- 2.The Assistant Labour Commissioner (Central),
Ministry of Labour and Employment,
Government of India,
Office of the Deputy Chief Labour Commissioner (Central),
Shastri Bhawan,
Chennai - 600 006.
- 3.The Director,
Chennai Campus,
Indian Maritime University,
East Coast Road, Uthandi,
Chennai - 600 119.
- 4.The Vice Chancellor,
Indian Maritime University,
East Coast Road, Uthandi,
Chennai - 600 119.
- 5.The Registrar (in-charge),
Indian Maritime University,
East Coast Road, Semmencherry,
Sholinganallur (PO),
Chennai - 600 119. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to refer the dispute between the petitioner employees union and the respondents 3-5 explained in the proceedings of the 2nd respondent in No.M8/35/2017B3 dated 31.05.2019, to the Hon'ble Labour Courts, Chennai as per sec 10 of the Industrial Disputes Act, 1947 by considering petitioner representation dated 25.05.2020.

For Petitioner : Mr.R.Shase

For Respondents : Mr.N.Ramesh for R1 and R2

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to refer the dispute between the petitioner employees union and the respondents 3 to 5 explained in the proceedings of the second respondent in No.M8/35/2017B3 dated 31.05.2019, to the Labour Courts, Chennai, as per Section 10 of the Industrial Disputes Act, 1947 by considering the petitioner representation dated 25.05.2020.

2.The case of the petitioner that the petitioner is an employees Union registered under the Trade Union Act, 1926 and it was formed with an avowed objectives for protecting the rights of the workmen, to promote the welfare of its members, to maintain harmonious relations with the respondents 3 to 5 Management and to maintain industrial peace in the establishment commanding majority support amongst the workmen. The grievance of the petitioner is that the services of seven employees of the Union recruited by the third respondent were not regularized. Hence, the petitioner made representation dated 25.05.2020 to the respondents 1 and 2 requesting them to refer the dispute explained in the proceedings of the second respondent dated 31.05.2019 to the Labour Courts, Chennai, however, the same has not yet been considered. Hence this writ petition.

3.The learned counsel appearing for the petitioner would submit that this Court may issue direction to the respondents 1 and 2 to refer the dispute between the petitioner employees Union and the respondents 3 to 5 explained in the proceedings of the second respondent in No.M8/35/2017B3 dated 31.05.2019, to the Labour Courts, Chennai, as per Section 10 of the Industrial Disputes Act, within a reasonable time frame.

4.The learned counsel appearing for the respondents 1 and 2 would submit that the petitioner's representation would be considered in accordance with law.

5.Heard both sides.

6.Considering the submissions made on either side, this Court directs the respondents 1 and 2 to consider the petitioner's representation dated 25.05.2020, on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

pri

To

- 1.The Secretary,
Government of India,
Ministry of Labour and Employment,
Sharm Sakrhu Bhavan, Rafi Marg,
New Delhi 110 001.
- 2.The Assistant Labour Commissioner (Central),
Ministry of Labour and Employment,
Government of India,
Office of the Deputy Chief Labour Commissioner (Central),
Shastri Bhawan,
Chennai - 600 006.
- 3.The Director,
Chennai Campus,
Indian Maritime University,
East Coast Road, Uthandi,
Chennai - 600 119.
- 4.The Vice Chancellor,
Indian Maritime University,
East Coast Road, Uthandi,
Chennai - 600 119.

5.The Registrar (in-charge),
Indian Maritime University,
East Coast Road, Semmencherry,
Sholinganallur (PO),
Chennai - 600 119.

+ 1 C.C. to MR.M.Guruprasad, Advocate SR.NO.38936

W.P.No.14707 of 2020
And
W.M.P.No.18277 of 2020

SVI [CO]
VS 19/12/2020



WEB COPY