

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.18164 of 2020

Chemecrown Exports & Suolficio Linea Italia
Private Limited Thozhilalargal Sangam
No.42, Bharathi Mnill Thittu, Mudaliyarpet
Puducherry - 605 004

..Petitioner

-Vs-

1.The Labour Secretary
Government of Puducherry
Puducherry.

2.Suolficio Linea Italia (India) Private Limited
rep.by its Managing Director, Factory at
No.19/1&4/4, Mylam Pondy Road
Sedarapet, Puducherry - 605 111.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the first respondent to refer the industrial dispute between the petitioner and the 2nd respondent over the proposed retrenchment of workers of the 2nd respondent factory to the Industrial Tribunal Puducherry for adjudication by invoking the power under sub clause (6) of section 25-N of the Industrial Dispute Act till such time forebear the 2nd respondent from retrenching the service of the petition union members in the 2nd respondent factory.

For Petitioner : Mr.R.Thiruneelakandan

For Respondents : M/s.G.Jearany, Government Advocate - for R1

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O R D E R

The prayer sought for herein is to direct the first respondent to refer the industrial dispute between the petitioner and the 2nd respondent over the proposed retrenchment of workers of the 2nd respondent factory to the Industrial Tribunal Puducherry for adjudication by invoking the power under sub clause (6) of section 25-N of the Industrial Dispute

Act till such time forebear the 2nd respondent from retrenching the service of the petition union members in the 2nd respondent factory.

2. The case of the petitioner is that the petitioner is a Trade Union and its members are workers in the second respondent factory and that the second respondent Management proposed to retrench some of the workers around 60 in number, who are members of the petitioner Union, and submitted an application dated 28.09.2020 before the first respondent for approval under Section 25N of the Industrial Disputes Act, 1947. Pursuant to the same, the first respondent issued individual notices to the workers on 02.10.2020. Hence, the petitioner Union submitted a representation to the first respondent on 13.10.2020 to refer the dispute for adjudication before the competent authority. However, till date no orders are passed on the representation. Hence, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

3. Learned counsel for the petitioner would submit that it would be suffice if this Court issues directions to the first respondent to consider the representation submitted by the petitioner on 13.10.2020 after affording an opportunity to the second respondent.

4. This Court is not inclined to issue any positive direction as against the second respondent, and hence notice to the second respondent is dispensed with.

5. Heard the learned Government Advocate appearing on behalf of the first respondent, who would submit that the representation dated 13.10.2020 submitted by the petitioner to the first respondent would be considered in accordance with law, after affording an opportunity to the second respondent.

6. Recording the said submission made by the learned Government Advocate appearing for the first respondent, this writ petition is disposed of with a direction to the first respondent to consider the representation dated 13.10.2020 submitted by the petitioner Union in accordance with law and after affording opportunity to the second respondent, and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. However, this order shall not stand in the way of the first respondent to consider the application, in any, filed by the second respondent.

7. With the above observations and directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

KST

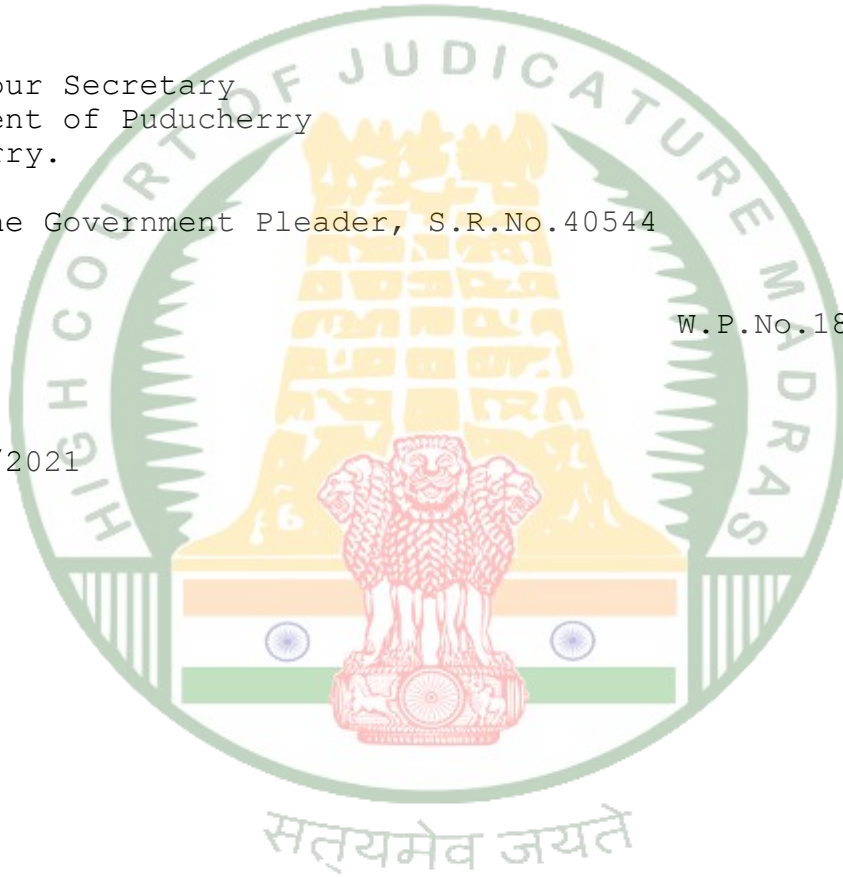
To

1.The Labour Secretary
Government of Puducherry
Puducherry.

+1cc to the Government Pleader, S.R.No.40544

W.P.No.18164 of 2020

VG II (CO)
KKV/07/01/2021



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