

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.23579 of 2019
and
W.M.P.No.23407 of 2019

Catepillar India Private Limited Workers Union
Rep. by its General Secretary
Regn.No.CPT/414
No.Melnallathur
Thiruvallur 602 004 ... Petitioner

vs

1. Government of Tamil Nadu,
rep. by its Secretary,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.
2. The Deputy Commissioner of Labour
(Conciliation)2
(earlier designation as Assistant Commissioner
of Labour (Conciliation2)
Kuralagam,
Chennai - 600 108.
3. The Management,
Caterpillar India Private Limited
Melnallathur,
Tiruvallur District 602 004. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Declaration, declaring that the action of the 2nd respondent in not entering the conciliation proceedings in the bilateral talks on the charter of demand raised by the petitioner Union dated 12.11.2018 or the period from 2019-2021 on the ground that it will not negotiate with the President and the Vice President of the Petitioner Union as they are outsiders as illegal, arbitrary and contrary to the scheme of the Industrial Disputes Act and consequently direct the 3rd

respondent Management to permit the Vice President and the President of the Union to negotiate on the charter of demands dated 12.11.2018 and on all issues concerning the members of the Petitioner Union.

For Petitioner : Mr.Balan Haridas
For Respondents : Mr.D.Suriyanarayanan,
Additional Government Pleader
for R1 and R2
Mr.Anand Gopalan for R3

O R D E R

This Writ Petition is filed for the following relief:

To issue a Writ of Declaration, declaring that the action of the 2nd respondent in not entering the conciliation proceedings in the bilateral talks on the charter of demand raised by the petitioner Union dated 12.11.2018 or the period from 2019-2021 on the ground that it will not negotiate with the President and the Vice President of the Petitioner Union as they are outsiders as illegal, arbitrary and contrary to the scheme of the Industrial Disputes Act and consequently direct the 3rd respondent Management to permit the Vice President and the President of the Union to negotiate on the charter of demands dated 12.11.2018 and on all issues concerning the members of the Petitioner Union.

2. Heard Mr.Balan Haridass, learned counsel for the petitioner and Mr.Anand Gopalan, learned counsel appearing for the 3rd respondent Management.

3. The grievance of the petitioner is that the 2nd respondent is not entering the conciliation proceedings on the charter of demands raised by the petitioner Union dated 12.11.2018 for the period 2019 to 2021.

4. After notice, the Writ Petition is taken up for further hearing.

5. It is represented by the learned counsel appearing for the respondent Management that the 2nd respondent has conducted the conciliation proceedings on 13.08.2019 and 30.08.2019 based on the subsequent demand dated 18.02.2019, raising the very same demand as raised in the request dated 12.11.2018 and also filed a failure report. Therefore, he submitted that nothing survives in this Writ Petition to be adjudicated upon.

6. Learned counsel for the petitioner is not disputing the subsequent developments.

7. In view of the above stated facts and circumstances, this Writ Petition is disposed of, without expressing any view on the issue raised by the petitioner in this Writ Petition. If the failure report has been submitted by the learned counsel for the 2nd respondent, it is for the Government to act on such report and proceed in accordance with law without loss of further time. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.
2. The Deputy Commissioner of Labour
(Conciliation)2,
(earlier designation as Assistant Commissioner
of Labour (Conciliation2)
Kuralagam, Chennai - 600 108.
3. The Management,
Caterpillar India Private Limited
Melnallathur, Tiruvallur District 602 004.

+1cc to Mr.Balan Haridas, Advocate, SR.No.4792.
+1cc to M/s.T.S.Gopalan & Co, Advocate, SR.No.5481
+1cc to Government Pleader, SR.No.5732.

SSI(CO)
CSR: 20.02.2020

W.P.No.23579 of 2019

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