



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.25823 of 2019

Podhu Thozhilalar Sangam (Reg.No.504/CPT)
Rep. by its General Secretary Mr.S.Kannan
No.77, 2nd Floor, A.J.Complex
Sriperumbuthur - 602 105.

... Petitioner

vs.

- 1.State of Tamil Nadu
Represented by the Secretary
Labour and Employment Department
Secretariat, Chennai-600 009.
- 2.The Commissioner of Labour
Teynampet, Chennai-6.
- 3.The Deputy Commissioner of Labour
Sriperumbudur, Kancheepuram District.
- 4.Dinesh Engineering Industries
Rep. by its Managing Director
Vulundhai Village, Tiruvallur Taluk
Tiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the 3rd respondent to complete the conciliation proceedings pending in 2K dispute raised by the petitioner-Union in Na.Ka.No.418 of 2018 dated 10.05.2018 within a time frame fixed by this Court and submit a report to the 1st respondent in case of not being able to come to any settlement between the petitioner-Union and the 4th respondent, thereby direct the 1st respondent to refer the dispute for adjudication and to pass necessary orders under Section 10(B) of the Industrial Disputes Act.

For Petitioner : Mr.K.C.Karl Marx

For Respondents: Mr.D.Suriyanarayanan
Additional Government Pleader
for R1 to R3
NA for R4



O R D E R

The petitioner seeks for a mandamus directing the 3rd respondent to complete the conciliation proceedings pending in 2K dispute raised by the petitioner-Union in Na.Ka.No.418 of 2018 dated 10.05.2018 within a time frame fixed by this Court and submit a report to the 1st respondent and consequently, direct the 1st respondent to refer the dispute for adjudication and to pass necessary orders under Section 10(B) of the Industrial Disputes Act.

2. When the matter was taken up on earlier occasion, there was no representation for the 4th respondent. Today also, when the matter is taken up for further hearing, there is no representation for the 4th respondent.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

4. It is represented by both sides that the conciliation proceedings are over and the conciliation officer has also filed the failure report to the first respondent on 22.07.2019.

5. Therefore, it is for the first respondent/Government to act accordingly and make a reference to the competent authority for adjudicating the dispute between the parties. Since the failure report dated 22.07.2019 has already been sent to the first respondent/Government, this Writ Petition is disposed of, only with a direction to the first respondent to make reference of the subject matter dispute before the competent forum within a period of four weeks from the date of receipt of a copy of this order.

6. The petitioner also seeks for a direction to the first respondent to pass necessary orders under Section 10(B) of the Industrial Disputes Act, 1947.

7. Needless to say that if any order under Section 10(B) is to be passed by the first respondent, the same shall be passed after giving an opportunity of hearing to the 4th respondent. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu
Labour and Employment Department
Secretariat, Chennai-600 009.

2. The Commissioner of Labour
Teynampet, Chennai-6.

3. The Deputy Commissioner of Labour
Sriperumbudur, Kancheepuram District.

+1cc to Mr. Karl Marx, Advocate, S.R.No. 14169

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PVS (CO)
GN(13/03/2020)