

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.35561 of 2019

and

W.M.P.No.36417 of 2019

Sodecia India Thozhilalar Sangam

Regn. No. 224/KPM

Represented by its Secretary.

..Petitioner

Vs.

1.The Deputy Commissioner of Labour (Conciliation II),
Irungattukottai, Sriperumbudur,
Kancheepuram.

2.The Management of Sodecia India Private Limited,
Represented by its Managing Director,
Tabalmedu, Pukkahturai,
Mathuranthagam, Kancheepuram - 603 308.

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of the India praying to issue a writ of mandamus, directing the first respondent that is the Deputy Commissioner of Labour, Irungattukottai, Sriperumbudur, the first respondent herein to commence and conclude the conciliation proceedings with regard to the Industrial Dispute raised by the petitioner Union dated 15.11.2019.

For Petitioner : Mr.K. Sudalai Kannu

For Respondents : Mr. P. Chinnadurai, for R1
Additional Government Pleader
Mr. Srinath Sridevan, for R2

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O R D E R

The writ petition has been filed seeking a writ of mandamus, directing the first respondent that is the Deputy Commissioner of Labour, Irungattukottai, Sriperumbudur, to commence and conclude the conciliation proceedings with regard to the Industrial Dispute raised by the petitioner Union dated 15.11.2019.

2. The petitioner has raised the industrial dispute on 15.11.2019 before the Deputy Commissioner of Labour to commence and conclude the conciliation proceedings as the enquiry officer appointed by the management is totally biased. Even though as early as on 15.11.2019, the dispute was raised, the Deputy Commissioner has not passed any order, in the meanwhile, the management has issued a second show cause notice on 11.12.2019. Aggrieved over the same, the petitioner has preferred the above writ petition.

3. Heard both sides.

4. Now the management has raised an issue of maintainability of industrial dispute raised by the petitioner. However, without going into the merits of the case, a direction is given to the Deputy Commissioner of Labour to consider the industrial dispute raised by the petitioner on 15.11.2019 for commencing and concluding the conciliation proceedings after hearing both the parties on the issues raised and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Till such time interim order shall continue.

5. This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AT

To

1.The Deputy Commissioner of Labour (Conciliation II),
Irungattukottai, Sriperumbudur,
Kancheepuram.

+lcc to Mr.K.Sudalai Kani, Advocate, S.R.No.9406

+lcc to Mr.Srinath Sridevan, Advocate, S.R.No.10480

+lcc to the Government Pleader, High Court, Madra, S.R.No.10429

W.P.No.35561 of 2019

and

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MP(CO)

KKV/14/08/2020