



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.13275 of 2014

Madurai District Textiles
Weavers Workers HMS Union,
Reg.No.1296 (Joined Hindu Mazdoor Sabha)
15, Mangammal Salai, Thirunagar Post,
Madurai-6,
Rep. Through its Secretary,
C.Sundaram

... Petitioner

-Vs-

1.The Commissioner,
Regional Office of the Textiles Commissioner,
R.S.Puram, Coimbatore-2.

2.The Principal Secretary to Government,
Labour and Employment (D2) Department,
Fort St. George, Chennai.

3.The Principal Secretary and
Commissioner of Labour, Chennai.

4.The Deputy Commissioner of Labour,
1/5.C, Rathinasamy Nadar Road,
Visalatchipuram, Madurai-14.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 27.03.2014 requesting the second respondent to take necessary steps to rectify the queries raised by the first respondent in his Lr.No.45(1)/2012, TWRFS/CBE, dated 22.11.2012 and to resubmit in the Textile Workers Rehabilitation Fund Proforma 'A' in respect of 62 workers list on Roll of Kumaraguruparar Textile Mills Limited (Sri Lakshmi Cotton Mills Pvt. Ltd.,) Karuppayoorani, Madurai in order to get benefit under the said scheme within a time limit fixed by this Court.



For Petitioner : Mr.PT.S.Narendra Vasam

For Respondents : No Appearance (for R1)

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Mr.P.Mahendran
Additional Government Pleader
(for R2 to R4)

ORDER

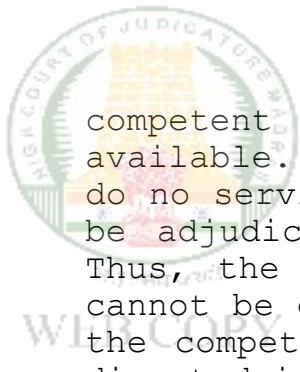
The relief sought for in the present writ petition is to direct the second respondent to consider the petitioner's representation dated 27.03.2014 requesting the second respondent to take necessary steps to rectify the queries raised by the first respondent in his Lr.No.45(1)/2012, TWRFS/CBE, dated 22.11.2012 and to resubmit in the Textile Workers Rehabilitation Fund Proforma 'A' in respect of 62 workers list on Roll of Kumaraguruparar Textile Mills Limited (Sri Lakshmi Cotton Mills Pvt. Ltd.,) Karuppayoorani, Madurai in order to get benefit under the said scheme within a time limit fixed by this Court.

2.The learned counsel for the petitioner states that with reference to the proceedings issued by the Director of Handlooms and Textiles, no actions were taken by the respondents. Thus, the representation was sent on 27.03.2014, it is yet to be considered by the authorities competent.

3.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the representation was considered and in paragraph No.5 of the counter affidavit filed by the respondents states as under:-

"..5.It is submitted that based on the above letter, 3rd respondent had addressed to the second respondent herein in his letter No.A3/37660/2014, dated 08.09.2014 to issue revised orders to the earlier Government Order (Rt) No.158, Labour and Employment (D2) Department, dated 28.02.2011 in order to obtain relief assistance under TWRFS from Government of India as prayed for by the petitioner Union and orders have been issued vide G.O.(D)No.484, Labour and Employment (D2) Department, dated 15.10.2014."

4.May that it be, this Court is of the considered opinion that the Government passed an order in G.O.(D)No.484, Labour and Employment (D2) Department, dated 15.10.2014. If at all the petitioner's union is not satisfied, they have to approach the competent labour forum for the purpose of adjudication of the disputes. High Court in a writ proceedings cannot adjudicate such disputed issues, which all are to be adjudicated only by the



competent labour forum based on the evidences and documents available. Issuing a direction to consider the representation would do no service to the cause of justice. Such disputed issues are to be adjudicated by the parties before the competent labour forum. Thus, the relief as such sought for in the present writ petition cannot be granted and the writ petitioner is at liberty to approach the competent labour forum for the purpose of adjudication of the disputed issues.

5. With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The Principal Secretary to Government,
Labour and Employment (D2) Department,
Fort St. George, Chennai.

2. The Principal Secretary and
Commissioner of Labour,
Chennai.

3. The Deputy Commissioner of Labour,
1/5.C, Rathinasamy Nadar Road,
Visalatchipuram, Madurai-14.

+1 CC to M/s.GP (SR-26240[F] dated 18/12/2020)

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17.12.2020

SSS (CO)
TR (28.12.2020) 3P 5C