



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.15489 of 2015

and

M.P.(MD)No.1 of 2015

WEB COPY

Muruga Home Industries,
Represented by its Joint Managing Partner,
N.Prakash Rao, No.29/1, Thenirkulam Road,
Thachanallur, Tirunelveli-627358.

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Labour and Employment Department,
Represented by its Principal Secretary,
St. George, Chennai-600 009.

2.The Commissioner of Labour,
Teynampet, Chennai-600 006.

3.The Deputy Commissioner of Labour,
Authority under the Minimum Wages Act
No.106, Trivandram Road,
Tirunelveli-627002.

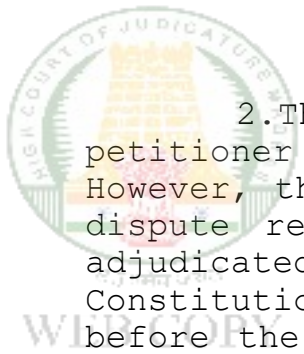
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from implementing or applying the terms of Settlement entered into between certain managements and worker unions under Section 12(3) of the Industrial Disputes Act, 1947, Proceeding Number g.K.vz;.rp.2/017030/2014, dated 10.08.2015 in the presence of the second respondent with regard to revision of basic wages insofar as the petitioner which is not a party / signatory to the said settlement is concerned.

For Petitioner	: Mr.S.Karthik, For M/s.Profexs Associates
For Respondents (1 to 3)	: Mr.G.Arjunan, Government Advocate.

ORDER

The relief as such sought for in the present writ petition is to forbear the respondents 1 and 2 from implementing or applying terms of Settlement entered into between certain Managements and workers unions under Section 12(3) of the Industrial Dispute Act in proceedings dated 10.08.2015 in the presence of hte second respondent with regard to the revision of basic wages.



2.The main ground raised in the writ petition is that the petitioner is not a Signatory in respect of 12(3) settlement. However, the application of the terms and conditions as well as the dispute regarding the implications of the settlements cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. The disputed facts are to be adjudicated before the competent Labour authorities and the High Court cannot entertain such writ petitions. In the present case, the petitioner states that they are not the signatories in the 12(3) settlement, further they are not liable to pay wage revision and backwages to the workers working under the petitioner industry. All these facts are disputed and such disputed facts are to be adjudicated with reference to the documents and evidences and such an elaborate enquiry of adjudication cannot be done by hte High Court in a writ proceedings. Thus, the writ petitioner are at liberty to approach the competent authority as well as the forum for the purpose of adjudication of all the disputed facts and circumstances with reference to the documents and evidences available. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Government of Tamil Nadu,
Labour and Employment Department,
Represented by its Principal Secretary,
St. George, Chennai-600 009.
- 2.The Commissioner of Labour,
Teynampet, Chennai-600 006.
- 3.The Deputy Commissioner of Labour,
Authority under the Minimum Wages Act
No.106, Trivandram Road,
Tirunelveli-627002.

+1CC to M/s.SPL GP,SR.No.26616 dated 21/12/2020

W.P.(MD).No.15489 of 2015
18.12.2020

SSS(CO)

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