



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.14261 of 2020

and

W.M.P.No.17734 of 2020

Bray Controls India Pvt. Ltd.,
Plot No.H-18, H-19,
SIPCOT Industrial Park,
Vallam Vadagal, Echoor Post,
Sriperumbudur Taluk,
Kanchipuram - 631 604.
Tamilnadu.

Represented through its
Authorised Signatory.

...Petitioner

-Vs-

1.The Assistant Labour Commissioner (Central),
Irungattukottai, Sriperumbudur,
Kancheepuram District - 602 117.
Tamilnadu.

2.Engineering, Electronics
and General Workers Union
Union - 1483/MDS,
Perungudi,
Chennai - 600 096,
Tamilnadu.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to close the conciliation proceedings bearing reference number A/274/2020 pending on the file of the first respondent and submit a failure report under Section 12 (4) of the Industrial Disputes Act, 1947, on the industrial dispute raised by the second respondent union on June 02, 2020 in relation to retrenchment of the workmen being part of the second respondent union.

For Petitioner : Mr.Allwin Godwin

For R1 : Mr.S.Arumugham,
Government Counsel



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ORDER

The limited prayer sought for in the Writ Petition is for a direction to the first respondent to dispose of the conciliation proceedings pending before the Authorities.

2. Though the petitioner herein has sought for closure of the conciliation proceedings by filing a failure report, this Court is of the view that the outcome of the conciliation could either be under Section 12(3) or 12(4) of the Industrial Disputes Act, 1947, depending on the conciliation proceedings to be effected. Nevertheless, since the conciliation is claimed to have been raised way back on 02.06.2020 and the matter has been pending for more than a year, this Court is of the view that if a time limit is stipulated for concluding the conciliation proceedings, the ends of justice could be secured.

3. Since the present order for expeditious disposal of the conciliation proceedings may not prejudice the rights of the second respondent-Union, notice to them is dispensed with.

4. In the light of the above observations, the first respondent herein is called upon to complete the conciliation proceedings dated 02.06.2020, as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this order. Accordingly, the Writ Petition stands ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

hvk/ata

To

1.The Assistant Labour Commissioner
(Central)
Irungattukottai,
Sriperumbudur,
Kancheepuram District - 602 117.
Tamilnadu.

+1cc to Mr.Allwin Godwin, Advocate, S.R.No.49652

W.P.No.14261 of 2020

and

W.M.P.No.17734 of 2020

PMK (CO)

CB(05/10/2021)