



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.3348 of 2019
& C.M.P.No.21480 of 2019

The Management
Royal Enfield
(A Unit of Eicher Motors Ltd),
A-19, SIPCOT Industrial Growth Centre,
Oragadam,
Kancheepuram District-602 105.

.. Appellant

Vs

1.Royal Enfield Employees Union
(Regn.No.3617/CNI),
Rep. by its General Secretary,
5 Dr. Vasudevan Road,
Kilpauk, Chennai-600 010.

2.State of Tamil Nadu,
Represented by the Secretary,
Labour and Employment Department,
Secretariat, Chennai-600 009.

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

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

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 19.07.2019 made in W.P.No.21250 of 2019.

Prayer in WP.No.21250 of 2019: Issue a writ in the nature of Mandamus directing the 1st respondent to issue a G.O.referring the dispute pendign on the file of the 3rd respondent in Aa/572/2019 between the petitioner union and the 4th respondent within a time frame as per Section 10(1) of the industrial Disputes Act 1947 and also to issue orders under section 10 (B)



directing the 4th respondent to permit the workers to work in the places where they worked before transfer until the settlement of the dispute and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Appellant : Mr.Anand for
M/s T.S.Gopalan and Co.,

For Respondents : M/s Karl Marx for R1

JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

The appeal lies on a narrow compass. The learned single Judge, while issuing direction to respondents 2 and 3 herein, was pleased to hold as follows:

"The 3rd respondent, who is hearing the dispute and initiated the conciliation proceedings is directed to complete the proceedings by affording opportunity to both the petitioner Union as well as the 4th respondent Management and conclude the same within a period of four weeks from the date of receipt of a copy of this order. In case, the 3rd respondent is not able to come to any settlement as between the petitioner and the 4th respondent, a report may be submitted and the first respondent Government is directed to refer the dispute for adjudication and the Government is also directed to pass appropriate orders under Section 10(B) of the I.D. Act. The 3rd respondent is also directed to advise the 4th respondent Management that the members of the petitioner Union need not be subjected to any vindictive action at their hands, pending conciliation proceedings."

2.The learned counsel appearing for the appellant submitted that the order has been passed without hearing the appellant and there cannot be a mandamus to the third respondent to refer the matter to the second respondent as Section 10(B) of the Industrial Disputes Act would not get attracted.

3.The learned counsel appearing for the first respondent-writ petitioner submitted that before taking a decision, the second respondent will hear both sides.



4. On perusal of the order under challenge, it appears that the appellant has not been heard. Considering the nature of direction issued, we only clarify that in the event of report being submitted to the third respondent, the said authority is expected to pass appropriate orders, which is inclusive of decision to invoke Section 10(B) of the Industrial Disputes Act after hearing both the appellant and the first respondent.

5. Thus, with the abovesaid clarification and observation, the writ appeal stands disposed of. We expect the second respondent to take an independent decision, if so required, without being influenced by the orders passed by this Court on hearing both sides. No cost. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

raa/mmi

To

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

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

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

+1cc to M/s. T.S. Gopalan & CO, Advocate, S.R.No.28889
+1cc to Mr. K.K. Karl Mark, Advocate, S.R.No.28932

W.A.No.3348 of 2019

RK(CO)
CB(16/07/2021)