



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.15722 of 2020

and

W.M.P(MD) No.13175 of 2020

WEB COPY

The Management,
Madura Coats Private Limited,
Papanasam Mill Post,
Tirunelveli-627 422.

...Petitioner

Vs.

1.The Additional Chief Secretary,
Department of Labour and Employment,
Fort St. George, Chennai.

2.Tirunelveli District Ambasamuthiram,
Labour Federation Union (AICCTU),
No.2/415, Sivasakthi Nagar,
Adaya Karungulam, Vikramasingapuram,
Ambasamuthiram, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the first respondent pertaining to G.O(D) No.323 dated 02.07.2020 quash the same.

For Petitioner : Mr.T.Ravichandran

For R-1 : Mr.M.Muniyasamy
Government Advocate

For R-2 : Mr.D.Saravanan

O R D E R

The reference made under Section 10(1)(c) of the Industrial Dispute Act 1947 (hereinafter referred to as "the Act") is put under challenge in the present writ petition. As per Section 10 (1) of the Act, when the Government is of the opinion that any industrial dispute exists or is apprehended, it may at any time refer the dispute to the Labour Court for adjudication.

2.The ground raised by the learned counsel for the petitioner is that the dispute revolves around payment of bonus and that since



the management had already paid the bonus to all its workers, there is no industrial dispute in existence. It is seen that pursuant to the Conciliation Proceedings, the Conciliating Authority had made a failure report and had forwarded the same to the Government. In exercise of the power under Section 10(1) (c) of the Act, the Government had chosen to refer the dispute to the Labour Court by making a reference.

3.If at all the petitioner is of the view that the bonus amount has already been paid and the workers are not entitled for any further bonus, it is always open to him to establish the same before the concerned Labour Court, which in this case is the Industrial Tribunal, Chennai. As such, there are no ground to interfere in the present writ petition.

4.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

The Additional Chief Secretary,
Department of Labour and Employment,
Fort St. George,
Chennai.

+1 CC to M/s.D.SARAVANAN, Advocate (SR-5707[F] dated 17/02/2021)

+1 CC to M/s.SPL GP (SR-6172[F] dated 19/02/2021)

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TR(12.03.2021) 2P 4C