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W.P.No.28501 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28501 of 2022

Jaikumar

... Petitioner

Vs

1. The Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Chennai – 600 009.

2. The Labour welfare Officer-2,
No.108, Kuralagam,
3rd Floor, Esplanade Road, Broadway,
Chennai – 600 108.

3. M/s.G.G.Hospital,
Rep. By its Managing Director,
No.6E, Nungambakkam High Road,
Chennai – 600 034.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent herein to dispose of the petitioner's representation dated 04.07.2022 sent for reference of the case to the Board (viz., Labour Court or Tribunal) as per Section 12(5) of the Industrial Disputes Act, 1947 based on the conciliation failure



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report sent in Mu.Mu.No.A/096/15 dated 25.07.2016 in accordance with

law and within a stipulated period.

For petitioner ... Mr.K.Govi Ganesan
For Respondents ... Mr.G.Nanmaran,
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to dispose of the petitioner's representation dated 04.07.2022 seeking for reference of the case to the Board (Labour Court or Tribunal) as per section 12(5) of the Industrial Disputes Act, 1947, based on the conciliation failure report dated 25.07.2016 within a time frame to be fixed by this Court.

2. Heard the learned counsel for the petitioner and Mr.G.Nanmaran, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2. Since no adverse orders are passed against the 3rd respondent, notice to 3rd respondent is dispensed with.

3. According to the petitioner, he was dismissed from service by the 3rd respondent Management. Thereafter, he had approached the Labour



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Officer and the settlement talks also ended in failure and conciliation failure report as per the provisions of section 12(5) of the Industrial Disputes Act, 1947 was also sent by the 2nd respondent to the 1st respondent on 25.07.2016. However, according to him, till date, the 1st respondent has not referred the dispute to the Labour Court. In such circumstances, he has given a representation on 04.07.2022. Since the representation has been considered till date, he has filed this writ petition.

4. No prejudice would be caused to the 1st respondent, if the petitioner's representation dated 04.07.2022 seeking for reference of the dispute between him and the 3rd respondent Management to the Labour Court is considered as per the provisions of section 12(5) of the Industrial Disputes Act, 1947, within a time frame to be fixed by this Court.

5. For the forgoing reasons, this Court directs the 1st respondent to pass final orders on the petitioner's representation dated 04.07.2022 seeking for reference of the dispute between him and the 3rd respondent Management to the Labour Court as per section 12(5) of the Industrial Disputes Act,



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1947, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition is disposed of. No costs.

28.10.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
vsi

To

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ABDUL QUDDHOSE, J.

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