



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 17663 of 2017

Greaves Mazdoor Sangam,
(Regd. No. 721/VAR),
Represented by its General Secretary,
No. 6, Kanar Kaikara Street, Thoppukana,
Arcot - 632 503,
Vellore District.

...Petitioner

-vs-

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

2. The Joint Commissioner of Labour,
Labour Welfare Building,
D.M.S. Compound,
Chennai - 600 006.

3. Labour Officer - I,
Vellore.

4. The Management of Greaves Cotton Limited,
Plot No.72, Sipcot Industrial Complex,
Ranipet - 632 403.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order issued by the Third Respondent bearing Na. Ka. No. 651/2015 dated 15.02.2016 and quash the same and consequently direct the First Respondent to initiate appropriate criminal prosecution against the third Respondent in accordance with Section 29 of the Industrial Disputes Act, 1947 for breach of settlement dated 13.05.2014 within a time frame.



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For Petitioner : Mr. K.M. Ramesh
For Respondents : Mr. V. Jeevagiridharan,
Additional Government Pleader
(for R1 to R3)

Mr. Anand Gopalan
For M/s. T.S.Gopalan & Co.
(for R4)

O R D E R

Heard Mr. K.M.Ramesh, Learned Counsel for the Petitioner and Mr. V.Jeevagiridharan, Learned Additional Government Pleader appearing for the First to Third Respondents and Mr. Anand Gopalan, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging proceedings in Na. Ka.No. 651/2015 dated 15.02.2016 issued by the Third Respondent and to consequently direct the First Respondent to initiate appropriate criminal prosecution against the third Respondent in accordance with Section 29 of the Industrial Disputes Act, 1947, for breach of settlement dated 13.05.2014 that had been entered between them.

3. Learned Counsel for the Fourth Respondent submits that the factory of the Fourth Respondent has been now closed and he has made an endorsement to that effect in the court record. In such circumstances, it would be a futile exercise to initiate criminal prosecution against the Fourth Respondent at this distance of time. However, if the Petitioner has any other grievance to be redressed in that regard, it is not precluded from working out its rights before the proper forum in the manner recognized by law.

4. In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The Government of Tamil Nadu,
Labour & Employment Department,
Fort St.George, Chennai - 600 009.



2. The Joint Commissioner of Labour,
Labour Welfare Building,
D.M.S. Compound,
Chennai - 600 006.

3. The Labour Officer - I,
Vellore.

+1cc to Mr.K.M.Ramesh, Advocate SR. No. 38516

+1cc to M/s.T.S.Gopalan & Co, SR. No. 38476

+1cc to Government Pleader SR. No. 38587

W.P. No. 17663 of 2017

EV (CO)

PR (28/06/2022)