



W.A(MD)No.144 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.A(MD)No.144 of 2012

and

M.P.(MD)No.1 of 2012

Karungal Ozhavar Pani Co-Operative
Society Ltd, (No.KV.90),
Represented by its Special Officer,
Mankarai Post,
Killiyoor Village,
Vilavancode Taluk,
Kanyakumari District

.. Appellant

Vs.

1.The Assistant Commissioner of Labour,
(Conciliation),
Labour Department,
Water Tank Road,
Nagercoil,
Kanyakumari District.

2.V.Rayappan

...Respondents



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.11747 of 2008, dated 20.10.2011 and allow this Writ Appeal.

For Appellant : Mr.G.Manivannan
For Respondents : Mr.D.Sasikumar, - for R1
Additional Government Pleader
Mr.S.C.Herold Singh - for R2

JUDGMENT

J. NISHA BANU, J.

AND

N. ANAND VENKATESH, J.

This Writ Appeal has been filed against the order passed by the learned Single Judge made in W.P.(MD) No.11747 of 2008, dated 20.10.2011.

2. The subject matter of challenge in the writ petition is pertaining to the conciliation notice that was issued by the first respondent on 10.11.2008.



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3. The learned Single Judge dismissed the writ petition mainly on the ground that the conciliation notice cannot be put to challenge and if at all the petitioner / appellant society has any grievance over the same, it should be filed by way of objections before the concerned Labour Officer and this Court cannot be approached by filing a writ petition. Accordingly, the writ petition was dismissed with costs of Rs.2,500/- payable by the Society.

4. Heard, Mr.G.Manivannan, learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader appearing for the first respondent Mr.S.C.Herold Singh, learned counsel appearing for the second respondent.

5. In the considered view of this Court, we do not find any ground to interfere with the order passed by the learned Single Judge since a conciliation notice cannot be put to challenge in the writ petition. If there are valid objections on the part of the Society, the same should be filed by way of objections before the concerned Labour Officer. Hence, the learned Single Judge was perfectly right in dismissing the writ petition. It is also brought to our notice by the learned counsel for the



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second respondent that the second respondent subsequently, got employment.

6. In the facts and circumstances of the case, we are inclined to interfere with the costs imposed by the learned Single Judge and to that extent, the order passed by the learned Single Judge stands modified.

7. In the result, this writ appeal is partly allowed and the cost imposed by the learned Single Judge is hereby set aside and the other portions of the order stands confirmed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B, J.] & [N.A.V., J.]
28.09.2022

Index:Yes/No
Internet:Yes/No
rm



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To

WEB COPY

1.The Chief Engineer (General)
Highways Department,
Chepauk,
Chennai-5.

2.The District Collector
Sivagangai District.



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N. ANAND VENKATESH, J.

rm

JUDGMENT MADE IN

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28.09.2022