



WEB COPY



Writ Petition No.3134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3134 of 2023

Chennai Metro Podhu Mattrum Oppantha
Thozhilalar Sangam, Represented by its
General Secretary J.Jeevakumar
Ref.No.3626/CNI – TUCI
No.4/92-13-A, Mangaliyamman Kovil Street,
St.Thomas Mount, Chennai – 600 016.

... Petitioner

Vs.

1. The Secretary to Government,
Labour Welfare and Skill Development,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 006.
2. The Commissioner of Labour,
Labour Welfare and Skill Development,
DMS Compound, Chennai – 600 006.
3. The Additional Commissioner of Labour, Chennai,
Labour Welfare and Skill Development,
DMS Compound, Chennai – 600 006.
4. The Deputy Commissioner of Labour -I
Irungadukottai.
5. The Management of Global Leathers (P) Ltd,
No.8A, Cenotaph Road, First Lane, Alwarpet,
Austin Nagar, Chennai.

... Respondents



Writ Petition No.3134 of 2023

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus directing the first respondent herein to take appropriate action on the representation of the petitioner's Union, dated 02.11.2022 forthwith.

For Petitioner : Mr.M.Ramalingam

For Respondent : Mr.D.Ravichander
Standing Counsel [R1 to R4]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the first respondent to act upon the representation made by the petitioner Union on 02.11.2022 and take a decision within the time frame fixed by this Court.

2. The case of the petitioner union is that the charter of demand was raised by the petitioner Union on 07.01.2022 against the fifth respondent. After long deliberation, a settlement was arrived under Section 12(3) of the Industrial Disputes Act.

3. After the settlement was arrived at, the fifth respondent started acting contrary to the terms of settlement and units at two of the



places were closed and the workers were asked to stay back. According to the petitioner Union, the act of the fifth respondent is in violation of Section 25(o) of the Industrial Disputes Act and it virtually amounts to lay out.

4. In view of the above, a representation was made to the fourth respondent and the fourth respondent issued an advisory note to the fifth respondent on 25.11.2022. The fifth respondent never responded to any of the communication issued by the fourth respondent. The petitioner Union sent a representation dated 02.11.2022 to the first respondent requesting the first respondent to intervene in the matter and to direct the third respondent to take appropriate action in accordance with law. Since the representation was not acted upon, the present writ petition has been filed seeking for appropriate relief.

5. Heard Mr.M.Ramalingam, learned counsel for petitioner and Mr.D.Ravichander, learned Standing Counsel, appearing for respondents 1 to 4.



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6. Taking into consideration the limited relief sought for in this writ peititon and without going into the merits of the case, there shall be a direction to the first respondent to act upon the representation of the petitioner Union dated 02.11.2022 and deal with the same on its own merits and in accordance with law. Before taking any decision, the fifth respondent will be put on notice, they shall be heard and thereafter, a decision shall be taken. This process shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of with the above direction. No costs.

07.02.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

rap/gm



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N.ANAND VENKATESH, J



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