



W.P.No.28983 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28983 of 2010

and

M.P.No.1 of 2010

The Management of
Renold Chain India Private Limited,
6/15/13 Krishnarayapuram Road,
Ganapathy P.O,
Coimbatore – 641 006.
Represented by its Factory Manager

... Petitioner

Vs.

1. The Assistant Commissioner of Labour III,
Coimbatore – 18.
2. The Secretary,
Coimbatore District Mill Engineering,
Misc.Sector General Employees Union
(CODIMEN),
21/9, Room No.3, India Tower II Floor,
Gopalapuram II Street,
Coimbatore – 18.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ order, or direction in the nature of Writ of Mandamus forbearing the first respondent from holding conciliation proceedings in respect of dispute No.Na Ka 456/2010 concerning the industrial dispute raised by the second respondent union in respect of transfer order issued to A.Nixon and duly directing the first respondent not to submit conciliation failure report in respect of the above dispute.

For Petitioner : Ms.V.M.Sreenidhi

For R1 : Mr. L.S.M. Hasan Fizal, AGP

For R2 : No appearance

ORDER

The Writ Petition has been filed seeking a direction, to forbear the first respondent from holding conciliation proceedings in respect of dispute No.Na Ka 456/2010 concerning the industrial dispute raised by the second respondent union in respect of transfer order issued to A.Nixon and duly directing the first respondent not to submit conciliation failure report in respect of the above dispute.



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2. The petitioner is engaged in the manufacture of Industrial and Power Transmission chains. As per the service conditions, the workmen are liable to be transferred to other factories of the petitioner and in practice, such transfers have taken place. While being so, one Nixon member of the second respondent Union, who was working as Turner in the petitioner's factory at Vedasanthur, Dindigul District, due to administrative reasons, was transferred to the branch of the petitioner's factory at Coimbatore, by an order dated 14.08.2010. The workman resisted the transfer order stating that only in the year 2002, he was transferred from Coimbatore to Gudalur. The second respondent Union raised an industrial dispute before the first respondent challenging the order of transfer.

3. The only point raised by the petitioner is that the first respondent has no jurisdiction to entertain the dispute, as the workman, who was working in Dindigul, did not accept the order of transfer and report for duty at Coimbatore. Hence, the first respondent has no jurisdiction to proceed with the conciliation proceedings initiated by the second respondent.



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4. In view of the interim injunction granted by this Court, the first respondent was restrained from proceeding with the conciliation proceedings. After expiry of 13 years, no such proceedings can be proceeded further.

5. In view of the above, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous Petition is closed.

28.08.2023

mfa

To

1. The Assistant Commissioner of Labour III,
Coimbatore – 18.
2. The Secretary,
Coimbatore District Mill Engineering,
Misc.Sector General Employees Union
(CODIMEN),
21/9, Room No.3, India Tower II Floor,
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