



WEB COPY



W.A. No. 38 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

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Workmen of the Professional Couriers
through United Labour Federation,
represented by its Secretary,
Regn.No. 2657/CNI,
No.149, C.J. Complex, 4th Floor,
Thambu Chetty Street,
Chennai – 600 001.

..Appellant

Vs.

1. The Professional Couriers Chennai
Franchisee,
represented by Authorized Signatory,
No.32, Thiru Vi Ka Road,
Royapettah, Chennai 600 014.
2. The Government of Tamil Nadu,
represented by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai – 600 009.



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3. The Assistant Commissioner of Labour (Conciliation -1),
DMS Compound, Teynampet,
Chennai.
 4. The Special Joint Commissioner of Labour,
4th Floor, Office of the Labour Commissioner,
Teynampet, Chennai – 600 006.
 5. The Labour Deputy Commissioner
(Head Quarter),
Office of the Labour Commissioner,
5th Floor, Teynampet,
Chennai – 600 006.
- ..Respondents

Prayer: Writ Appeal as against the order dated 12.09.2019 in W.P. No. 25111 of 2019.

For Appellant	::	Mr.Krishna Vinchhi for Mr.Sudalaikannu
For Respondents	::	Mr.R. Dinesh for R1 Mrs.V. Yamuna Devi Special Govt. Pleader for R2 to R5



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J U D G M E N T

S. VAIDYANATHAN,J.

AND

R. KALAIMATHI,J.

The present appeal has been preferred by the Workmen of the Professional Couriers through United Labour Federation aggrieved by the order of the learned Single Judge directing the 5th respondent, namely, the Deputy Commissioner of Labour (Conciliation Officer) to look into the explanation submitted by the 1st respondent herein on 14.05.2019 wherein a preliminary objection has been raised with regard to impleadment of the 1st respondent in the industrial dispute raised by the appellant herein, adjudicate and take a decision.

2. Heard both parties.

3. The direction issued by the learned Single Judge for adjudication of the dispute, as referred in paragraph Nos. 6 & 7 of the order



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in the writ petition runs counter to Section 12 of I.D.Act. The Conciliation Officer is empowered to conciliate a dispute between the parties and submit a failure report in order to enable the Government to refer the dispute for adjudication. Eventhough there was a direction given by this Court, the Conciliation Officer has acted well within the purview of Section 12 of I.D. Act and submitted the failure report on 12.02.2020.

4. The direction given to the Conciliation Officer to adjudicate the issue alone is interfered with by this Court in this writ appeal and the Government of Tamil Nadu represented by its Secretary, Labour and Employment Department is directed to act on the failure report dated 12.02.2020 and refer the dispute between the parties to the appropriate Industrial Tribunal/Labour Court depending upon the number of pesons involved, in the light of Section 10 of I.D. Act and once reference is made, the appropriate Court/Tribunal shall adjudicate the matter and pass an awrd within the time frame mentioned in the order of reference. However, this Court expects the Labour Court/Industrial Tribunal to proceed with the industrial dispute without adjourning the matter beyond seven working days



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at any point of time and follow the timeline prescribed under Rule 34 of
Tamil Nadu Industrial Disputes Rules, 1958.

5. The writ appeal is ordered accordingly. No costs.

nv

(S.V.N.J.) (R.K.M.J.)
14.02.2023



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