



W.P.No.5916 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5916 of 2023
and W.M.P.No.5914 of 2023

Caterpillar India Workers Union,
Regn. No.CPT/414,
Rep. by its General Secretary,
Mr.B. Gokul,
Melnallathur Village,
Thiruvallur – 602 002.

... Petitioner

Vs.

- 1.The Union of India,
Rep. by its Secretary,
Ministry of Labour and Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi – 110 001.
- 2.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Labour and Employment,
Fort St. George, Chennai – 600 009.
- 3.The Deputy Commissioner of Labour – Conciliation II,
Kuralagam, Chennai – 600 108.



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4.M/s.Caterpillar India Private Limited,
Rep. by its Managing Director,
Melnallathur Village,
Thiruvallur – 602 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent conciliation officer to conduct conciliation in the industrial dispute raised by the petitioner dated 30.01.2023 on a day to day basis and resolve the issue by a settlement or in the event of failure, record of failure of conciliation, issue the conciliation failure report to the Government of Tamil Nadu, the 2nd respondent herein with a further direction for the said government to pass orders with reference to the dispute and further direct the 4th respondent not to enter into 'so called' individual settlements under Section 18(1) of the Industrial Disputes Act with its Individual workmen.

For Petitioner : Mr.V. Prakash (party in person)

For Respondents : Mr.Prasad Vijayakumar [R1]

Mr.P. Sathish,
Additional Government Pleader [R2]

Mr.R.V. Dinesh Raj Kumar [R3]

Mr.Anand Gopalan
for M/s.T.S. Gopalan & Co. [R4]



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ORDER

The limited prayer sought for in the present Writ Petition, is for a direction to the Conciliation Officer to complete the proceedings within a time frame.

2. Taking note of the fact that the conciliation has commenced on the basis of the petitioner's application dated 30.01.2023 and that four hearings have already been held, this Court is of the view that if the Conciliation Officer is given time to conclude the proceedings as expeditiously as possible, the ends of justice could be secured.

3. Insofar as the second portion of the prayer sought for in the Writ Petition, to forbear the fourth respondent/Management from entering into individual settlement is concerned, this Court exercising its powers under Article 226 of the Constitution of India, will not be justified in directing the fourth respondent to forbear the Management. Nevertheless, if the petitioner/Union is aggrieved against any individual



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workmen, it is always open to them to raise the dispute against such settlement, if permissible in law.

4. In the light of the above finding, there shall be a direction to the third respondent herein, to forthwith proceed with the conciliation proceedings culminated from the petitioner's application dated 30.01.2023, within a period of four (4) weeks, if necessary, on day-to-day basis.

5. With the above direction, the Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

20.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Secretary,
Union of India,
Ministry of Labour and Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi – 110 001.
- 2.The Secretary to Government of Tamil Nadu,
Department of Labour and Employment,
Fort St. George, Chennai – 600 009.
- 3.The Deputy Commissioner of Labour – Conciliation II,
Kuralagam, Chennai – 600 108.
- 4.Managing Director,
M/s.Caterpillar India Private Limited,
Melnallathur Village,
Thiruvallur – 602 002.



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M.S.RAMESH, J.

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