



W.P.No.34087 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34087 of 2012

New Democratic Labour Front-Kemin Branch,
Represented by its Secretary,
Reg No.43/TVR,
No. 212, Perumal Kovil Street,
Eguvarpalayam Village and Post,
Gummidipoondi Taluk,
Thiruvallur District – 601 201.

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Represented by its Secretary,
Labour and Employment Department,
Fort St.George.
Chennai – 600 009.

2. Assistant Commissioner of Labour (Conciliation)-2,
Kuralagam,
Chennai – 600 108.

3. The Management,
Kemin Industries South Asia Private Limited,
No.K3, 11th Cross Street,
SIPCOT Industrial Complex,
Gummidipoondi-601 201.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, forbearing the respondent No.3, from altering the service conditions of the members of the union whose names are given in the annexure to this affidavit filed in support this writ petition in any manner including discontinuance of service or transfer any member of the petitioner union or failing to provide employment without getting permission under Section 33 of the Industrial Disputes Act, 1947 in the industrial dispute raised by the petitioner union which is pending conciliation before the second respondent as dispute No.A/158/2012 regarding charter of demand and further direct the second respondent to conciliate and effect settlement and if no settlement is forthcoming, to submit failure report under section 12(4) of I.D.Act, 1947 and in turn the first respondent to refer the dispute for adjudication before the competent industrial adjudicator.

For Petitioner	: Mr.Balan Haridas
For R1 and R2	: Mr.R.P.Murugan Raja Government Advocate
For R3	: Mr.S.Jayaraman

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, forbearing the third respondent from altering the service conditions of the members of the Union, whose names are given in the annexure to this affidavit filed in support this writ petition in any manner including discontinuance of service or transfer any member of the



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petitioner union or failing to provide employment without getting permission under Section 33 of the Industrial Disputes Act, 1947 in the industrial dispute raised by the petitioner union which is pending conciliation before the second respondent as dispute No.A/158/2012 regarding charter of demand and further direct the second respondent to conciliate and effect settlement and if no settlement is forthcoming, to submit failure report under section 12(4) of I.D.Act, 1947 and in turn the first respondent to refer the dispute for adjudication before the competent industrial adjudicator.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. Considering the limited prayer sought for in this petition and long years of pendency of this writ petition, the second respondent is directed to complete the conciliation proceedings raised by the petitioner Union, within a period of twelve weeks from the date of receipt of a copy of this order, if not already completed.



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4. With the above directions, this Writ petition is disposed of. No costs.

08.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn/nsl



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Secretary,
The Government of Tamil Nadu,
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Fort St.George.
Chennai – 600 009.
2. Assistant Commissioner of Labour (Conciliation)-2,
Kuralagam,
Chennai – 600 108.
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