



W.P.No.26761 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26761 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 Government of Tamil Nadu

Rep by its Secretary

Department of Labour and employment

Fort St.George, Chennai-600 009.

2.The Deputy Commissioner of Labour-Conciliation II

Kuralagam, Chennai-600 108.

3.M/s.Caterpillar India Private Limited

Rep by its Managing Director,

Melnallathur Village

Thiruvallur-602002

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue orders, directions or writs in particular a Writ of Mandamus directing the 1st respondent Government to pass orders with regard to the reference of the Industrial dispute raised by the petitioner dated 30.01.2023 covered by the conciliation failure report bearing Ref.ந.க.எண்.அ/046/2023 dated 27.06.2023 under Section 10(1) of the Industrial Disputes Act expeditiously and within such time as stipulated by this Court.



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For petitioner : Mr.R.Gokulraj
for V.Prakash

For Respondents : Mr.M.S.Prem Kumar,
Government Advocate for R1 & R2.

ORDER

This Writ Petition has been filed for a direction to the 1st respondent to refer the Industrial dispute raised by the petitioner under Section 10(1) of the Industrial Disputes Act within the time that may be stipulated by this Court.

2. It is the case of the petitioner that the petitioner union is the only union functioning in the 3rd respondent management. The permanent employees of the 3rd respondent management are the members of the petitioner union. The petitioner union placed charter of demands for wage revision before the 3rd respondent for the period between 2023 and 2025 on 23.12.2022, however, the 3rd respondent had taken a stand that it will not negotiate with the outside office bearers. Therefore, the petitioner union



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raised an Industrial Dispute regarding charter of demands before the 2nd respondent/Conciliation Officer. The management having participated in the conciliation proceedings did not come forward to have negotiation with the petitioner union which resulted in issuance of conciliation report dated 27.06.2023 which was forwarded to the 1st respondent government for appropriate orders. However, till date, no orders have been passed by the 1st respondent to refer the Industrial dispute raised by the petitioner. Hence, this Writ Petition.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that it would suffice if this Court issues a direction to the 1st respondent Government to refer the dispute under Section 10(1) of the ID Act on the basis of the failure report of conciliation dated 27.06.2023 and pass appropriate orders within the time that may be stipulated by this Court.

4. On the above contention, this Court heard the learned Government Advocate appearing for the respondents.



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5. In view of the limited relief sought for by the petitioner, this Court without expressing any opinion on the merits of the case, directs the 1st respondent Government to refer the Industrial Dispute raised by the petitioner, under Section 10(1) of the Act and pass appropriate orders in accordance with law, within a period of Six weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No

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The Government of Tamil Nadu
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Fort St.George, Chennai-600 009.
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M.DHANDAPANI, J.

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