



WEB COPY



W.P.No.7528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.No.7528 of 2024

and

WMP.No.8446 of 2024

Heubach Colorants India Limited
(Formerly Clariant Chemicals (India) Limited)
Represented by its Manager Site Services & IR
R.Padmanabhan
Having office at
Kudikadu, SIPCOT Post,
Cuddalore - 607 005.

... Petitioner

Vs.

1. The Assistant Commissioner of Labour
(Conciliation)
Deepan Nagar, First Street,
Semmandalam, Cuddalore 607 001.
2. Clariant Chemical Employees Union (CITU)
Represented by its Secretary
Reg.No.58/SDR S.N.Memorial
No.89, Lawrence Road,
Cuddalore - 607 002.
3. Mr.A.Sridhar
Executive Operator



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4. Mr.K.Ganeshkumar
Executive Electrical

5. Mr.P.Jayaseelan
Executive Operator

6. Mr.R.Rajesh
Executive Lab

7. Mr.V.Gobinath
Executive Operator

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the 1st respondent herein from in any way insisting the petitioner company to cancel the transfer orders dated 25.11.2023 issued against the respondents Nos.3 to 7 pending the conciliation proceedings in Na.Ka.No.416 of 2023 dated 08.03.2024 on the file of 1st respondent.

For Petitioner : Mr.L.Chandrakumar

For R1 : Mr.K.Tamilvendan,
Government Advocate

For R2 to R7 : Mr.V.Ajoy Khose



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ORDER

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This writ petition is filed for the issuance of a Writ of Mandamus forbearing the 1st respondent herein from in any way insisting the petitioner company to cancel the transfer orders dated 25.11.2023 issued against the respondents Nos.3 to 7 pending the conciliation proceedings in Na.Ka.No.416 of 2023 dated 08.03.2024 on the file of 1st respondent.

2. It is submitted by the learned counsel for the petitioner that during the conciliation proceedings first respondent has been insisting and directing the petitioner to cancel the transfer order issued in respect of private respondents 3 to 7. The learned counsel representing the second respondent union submits that in the course of conciliation proceedings, the first respondent had advised the petitioner to cancel the transfer proceedings.

3. Having considered the submissions on both sides, it is clear that the first respondent conciliation officer is expected to facilitate settlement between the parties by way of conciliation. Though the first respondent can make any proposal during conciliation proceedings in order to see that the issue between



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the parties is settled, he cannot impose any condition to cancel the transfer orders. The first respondent is expected to act objectively and not to direct the petitioner to cancel the proceedings.

4. Accordingly, the writ petition is disposed of directing the first respondent not to insist the petitioner company to cancel the transfer orders dated 25.11.2023 and directed to proceed with the conciliation proceedings objectively by following due process of law. The first respondent is directed to complete conciliation proceedings within a period of four weeks from the date of receipt of a copy of this order. Consequently connected Miscellaneous Petition is closed. No costs.

30.04.2024

Index : Yes/No
Neutral Citation : Yes/No
adl



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To

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(Conciliation)
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DR.D.NAGARJUN, J.

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