



WEB COPY



W.P.No.12167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

W.P.No.12167 of 2024

and

WMP.Nos.13264 & 13265 of 2024

BMW India Private Limited
Plant Chennai
No.36, 1st Cross Road
Mahindra World City, Natham Post
Chengalpet 603 004.

Represented by its Authorised Signatory

... Petitioner

Vs.

1.The Deputy Commissioner of Labour Conciliation I
Sriperumbudur
Kancheepuram District.

2.BMW India Staff and Employees Union
18/51 EWS NH1
Parimelazhagar Street
Maraimalai Nagar 603 209
Rep.by its General Secretary.

3.The Deputy Superintendent of Police
Chengalpet Taluk
Chengalpet District.



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4.The Inspector of Police
Chengalpet Taluk
Chengalpet District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to ensure that the second respondent union does not violate Section 22 of the Industrial Disputes Act, forbear the second respondent Union from resorting to an illegal strike pending conciliation in contravention of Section 22 of the Industrial Disputes Act pursuant to their strike notice dated 11.04.2024.

For Petitioner : Mr.Anand Gopalan
for M/s.Agam Legal

For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader
R1, R3 & R4
Mr.N.G.R.Prasad
Senior Counsel
for Mr.S.Sivakumar
for M/s.Row & Reddy for R2



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ORDER

Heard the learned counsel for the petitioner, Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader for the respondents 1, 3 and 4 and Mr.S.Sivakumar, learned counsel appearing for the second respondent.

2. It is submitted by the learned counsel for the petitioner that the workmen of the petitioner BMW plant are being represented by the second respondent Union since 2013. The petitioner and the second respondent Union entered into a settlement on 28.09.2024 covering the period from 01.04.2020 to 31.03.2023. After expiry of the settlement, the second respondent Union and the petitioner Management have exchanged their charter of demands. The first respondent conducted the conciliation proceedings in file Na.Ka.No.376/2023 however the parties could not arrive at a settlement.

3. The second respondent Union gave a fresh charter of demands and issued a strike notice under Section 22 (1) of the Industrial Disputes Act, 1947. Therefore, the petitioner filed the present Writ Petition.



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4. It is also submitted by the learned counsel for the petitioner that as per the proceedings dated 15.04.2024, the Deputy Commissioner of Labour has requested both the parties to participate in the talks held by the authorities and co-operate to reach a decision and further the trade union is advised not to engage in direct actions like work stoppage in view of the successful conclusion of the negotiations held under Section 20 regarding the demands of the trade Union.

5. It is submitted by the learned counsel for the petitioner that pending conciliation proceedings, the second respondent may resort to illegal strike. Therefore, they sought for a direction to the police by way of mandamus to initiate action against the workman in case they violate the Industrial Dispute Act.

6. The learned counsel for the second respondent submitted that



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since conciliation proceedings are pending as per the Industrial Disputes Act the respondents will not participate in the strike and same is recorded.

7. Accordingly, this Writ Petition is disposed of by recording the submissions of the learned counsel for the second respondent that the workman of the respondents will not resort to illegal strike as the conciliation proceedings are pending and the first respondent/the Deputy Commissioner of Labour Conciliation-I is directed to expedite the conciliation proceedings and complete them as quickly as possible. No costs. Consequently, consequently, connected Miscellaneous Petitions are closed.

30.04.2024

Index : Yes / No
Internet : Yes / No
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Dr.D.NAGARJUN, J.
dna

To

- 1.The Deputy Commissioner of Labour Conciliation I
Sriperumbudur
Kancheepuram District.
- 2.The Deputy Superintendent of Police
Chengalpet Taluk
Chengalpet District.
- 3.The Inspector of Police
Chengalpet Taluk
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