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W.P.No.24004 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.24004 of 2024

Mr.P.Udhayakumar

...Petitioner

-Vs-

1.The Assistant Labour Commissioner cum Conciliation Officer,
Office of the Assistant Labour Commissioner No.1,
Kuralam, Broadway,
Chennai – 600 108.

2.M/s.Dynavision Limited,
Represented through its Director,
Mr.R.P.Agrawal,
Door No.3A, Apex Plaza,
5th Floor, Nungambakkam High Road,
Chennai – 600 034.

3.Mr.R.P.Agrawal,
Director of Dynavision Limited,
Door No.3A, Apex Plaza,
5th Floor, Nungambakkam High Road,
Chennai – 600 034.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus directing the 1st respondent to conclude the conciliation proceedings in Na.Ka.No.Aa/831/23, dated 27.12.2023 filed under Section 2A(2) of the Industrial Disputes Act 1947, pending on the file of the 1st respondent and to



W.P.No.24004 of 2024

issue failure report enabling the petitioner to raise an industrial dispute under Section 2A before the Labour Court and to do that exercise within a time frame that as may be fixed by this Court.

For Petitioner : Mr.K.Siva
For R1 : M/s.M.Jayanthy
Additional Government Pleader
For R2 & R3 : No appearance

ORDER

M/s.M.Jayanthy, learned Additional Government Pleader takes notice on behalf of the first respondent. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed for issuance of a Writ of Mandamus directing the first respondent to conclude the conciliation proceedings in Na.Ka.No.Aa/831/23 dated 27.12.2023, filed under Section 2A(2) of the Industrial Disputes Act 1947, pending on the file of the first respondent and to issue a failure report enabling the petitioner to raise an industrial dispute under Section 2A before the Labour Court.

3. The case of the petitioner is that the petitioner was employed as a Driver by the second respondent, and there was a dispute raised under the



W.P.No.24004 of 2024

Industrial Dispute Act.

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4. Learned counsel for the petitioner contends that the petitioner falls under the category of skilled workman under Section 2(s) of the Industrial Dispute Act, 1947. Since the petitioner has been orally terminated, there was a dispute, and the same was referred to the Conciliation Officer. However, the conciliation proceedings is pending, and there has been no progress in the conciliation proceedings. Hence, the petitioner filed this present writ petition.

5. Learned Additional Government Pleader appearing for the first respondent submits that the first respondent is willing to conclude the conciliation proceedings.

6. In view of the above submission, the first respondent / Assistant Labour Commissioner cum Conciliation Officer, is directed to comply with the conciliation proceedings in Na.Ka.No.Aa/831/23 dated 27.12.2023, within a period of six months from the date of receipt of a copy of this order.

N.SENTHILKUMAR, J.

With the above direction, **the writ petition stands disposed of.** No



W.P.No.24004 of 2024

costs.

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22.08.2024

cda

Index : Yes/No

Speaking/Non-Speaking Order

To

The Assistant Labour Commissioner cum Conciliation Officer,
Office of the Assistant Labour Commissioner No.1,
Kuralam, Broadway,
Chennai – 600 108.

W.P.No.24004 of 2024