



WEB COPY

W.P.No.25646 of 2024
and W.M.P.Nos.28008 & 28009 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.25646 of 2024
and W.M.P.Nos.28008 & 28009 of 2024

Apollo Tyres Limited,
Rep. by its Head Commercial
Balasubramanyam G.
B 25, SIPCOT Industrial Growth Centre,
Oragadam, Sriperumbudur,
Tamil Nadu - 602 105.

...

Petitioner

versus

- 1.The District Collector,
First Floor, Collectorate,
Kanchipuram District - 631 501
- 2.The Superintendent of Police,
Collectorate Campus,
Kanchipuram District - 631 501.
- 3.The Inspector of Police,
Oragadam Police Station, Sriperumbudur
Kanchipuram District - 602 105.
- 4.Deputy Commissioner of Labour (Conciliation I),
Irugattukottai, Sriperumbudur
Kanchipuram District - 602 117.
- 5.Apollo Tyres Thozhilalar Sangam,



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Represented by its General Secretary,
No.296, Gandhi Road,
Kanchipuram District - 631 501. ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 4th respondent, the Conciliation Officer, to continue the conciliation proceedings and submit its report in accordance with Section 12 of the Industrial Disputes Act, 1947.

For Petitioner	:	M/s.King and Partridge
For Respondent Nos.1 to 4	:	Mrs.M.Jayanthi Additional Government Pleader
For Respondent No.5	:	Mr.N.G.R.Prasad Senior Counsel for Mr.S.Sivakumar

ORDER

The Writ Petition has been filed to direct the fourth respondent, the Conciliation Officer, to continue the conciliation proceedings and submit its report in accordance with Section 12 of the Industrial Disputes Act, 1947.

2. The learned counsel for the petitioner submitted that the conciliation proceedings are pending before the fourth respondent and the fifth respondent Union has ordered a strike notice, which is illegal.



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3. Mrs.M.Jayanthi, learned Additional Government Pleader, has taken notice on behalf of the respondents 1 to 4.

4. Mr.N.G.R.Prasad, learned Senior Counsel, who has taken notice on behalf of the fifth respondent submitted that, as per the second proviso to Section 10 of the Industrial Disputes Act, the petitioner being a public utility service has been given a notice under Section 22, the appropriate Government shall, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient to do so, make a reference under this sub-section notwithstanding that any other proceedings under this Act in respect of the dispute may have commenced.

5. There cannot be any quarrel on the above point. As the appropriate Government has a mandatory obligation to refer the dispute to the Labour Court or Industrial Tribunal, as the case may be, in the event of failure of the conciliation proceedings or by taking into account the fact that the petitioner's Company is a public utility service, shall pass appropriate orders in accordance with the above provisions within a period of four weeks from the date of receipt of a copy of this order. Despite the strike notice has been given, the learned Senior Counsel for the fifth respondent



submitted that no strike has been called for and there cannot be any issue on the strike notice.

6. With the above observation, this Writ Petition is **disposed**. No costs. Consequently, connected Miscellaneous Petitions are closed.

02.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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