



W.P.No.27065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27065 of 2024

and

W.M.P.No.29580 of 2024

M/s.Tweezerman India Private Limited,
C-24, C-25 & A-17, Industrial Estate,
Thattanchavady,
Puducherry - 605 009.
Rep by its Managing Director,
Mr.Sambasiva Rao

... Petitioner

Vs.

1.The Labour Commissioner, Puducherry,
2nd Floor, Labour Complex,
Gandhi Nagar,
Puducherry 605 009.

2.The Labour Officer (Conciliation),
Office of the Labour Officer,
No.23, 1st Floor, 1st Main Road,
Ilango Nagar,
Puducherry 605 011.

3.M/s.Tweezerman Workman Welfare Trade Union,
Registration No.RTU/1392/2004,
No.89, Mariamman Koil Street,
Thattanchavady,
Puducherry 605 009.

... Respondents



W.P.No.27065 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to ensure that the third respondent union does not violate Section 22 and 23 of the Industrial Disputes Act and forbear the 3rd respondent Union from resorting to an illegal strike pending conciliation in contravention of Section 22 and 23 of the Industrial Disputes Act, pursuant to their strike notice dated 02.09.2024.

For Petitioner : Mr.C.Sakthimanikandan

For Respondents : Mr.M.Nirmal Kumar, GA(Pondy)
for R1 & R2

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the second respondent to ensure that the third respondent union does not violate Section 22 and 23 of the Industrial Disputes Act and forbear the 3rd respondent Union from resorting to an illegal strike pending conciliation in contravention of Section 22 and 23 of the Industrial Disputes Act, pursuant to their strike notice dated 02.09.2024.

2. Heard Mr.C.Sakthimanikandan, learned counsel for the petitioner, Mr.M.Nirmal Kumar, learned Government Advocate (Puducherry) for the respondents 1 and 2 and perused the materials available on record.



W.P.No.27065 of 2024

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3. The learned counsel for the petitioner submitted that on behalf of the employees of the petitioner Company, the third respondent has raised certain demands and now, the negotiations are being made in a settlement process before the second respondent. The grievance of the petitioner is that when the conciliation proceedings are pending before the second respondent, the third respondent Union has sent a strike notice by declaring that there will be a strike on 17.09.2024. The learned counsel for the petitioner further submitted that as per Sections 22 and 23 of the Industrial Dispute Act, when the conciliation proceedings are pending, no strike can be called upon.

4. The respondents are also aware of the fact that during the conciliation proceedings, no strike should be called upon. However, the learned Government Advocate (Puducherry) for the respondents 1 and 2 submitted that there are positive signs and the dispute between the Management and the Union would be settled soon.

5. In such case, the first and second respondents shall take all



W.P.No.27065 of 2024

possible and practical steps to ensure that no untowardness is caused in the name of strike by the third respondent Union when the conciliation proceedings are going on. So it is for the respondents 1 and 2 to handle the process and take decisions in a manner suiting to the situation and dissuade any attempt to strike and smoothen the process. Since the observations are made only against the respondents 1 and 2, notice against the third respondent is dispensed.

6. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

12.09.2024

NOTE : Issue order copy on 13.09.2024.



W.P.No.27065 of 2024

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- To
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W.P.No.27065 of 2024

R.N.MANJULA, J.

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