



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27320 of 2024

Hosur Bata Employees Union (406/DRP)

Rep. by its General Secretary

Door No.3/866, A2, 4th Cross,

Amirtha Nagar, Arasanatti,

Mookandapalli, Hosur,

Krishnagiri District - 635 126.

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Petitioner

versus

1.Assistant Commissioner of Labour (Conciliation),
No.18, Sevatha Gounder Street,
Bangalore Road, Krishnagiri,
Krishnagiri District - 635 001.

2.The Management of Bata India Ltd.
Rep. by its Managing Director,
M/s.Bata India Ltd.,
Plot No.73 and 74, SIPCOT - I,
SIPCOT Industrial Area,
Hosur, Krishnagiri District - 632 126.

3.Chief Executive Officer,
M/s.Bata India Ltd.,
Bata House - 418/02,
Gurgaon Mahrauli Road, Sector Gurgaon,
Haryana - 122 002.

4.Government of Tamil Nadu,



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Represented by its Secretary,
Department of Labour and Employment,
Fort St. George,
Chennai - 600 009.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to conclude the conciliation proceedings in Na.Ka.No.A.221/2024 dated 18.07.2024 and forward the Conciliation Failure Report to the fourth respondent herein, so that the fourth respondent can pass orders with regard to the reference of the Industrial Dispute.

For Petitioner : M/s.V.Prakash
Standing Counsel
for Mr.S.Gokul

For Respondent Nos.1, 3 & 4 : M/s.M.Jayanthi
Additional Government Pleader
For Respondent No.2 : No Appearance

ORDER

The Writ Petition has been filed to direct the first respondent to conclude the conciliation proceedings made in Na.Ka.No.A.221/2024 dated 18.07.2024 and forward the Conciliation Failure Report to the fourth respondent herein, so that the fourth respondent can pass orders with regard to the reference of the Industrial Dispute.



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2. Heard M/s.V.Prakash, learned counsel for the petitioner and M/s.M.Jayanthi, learned Additional Government Pleader for the respondents 1, 3 & 4 and perused the materials available on record.

3. The learned counsel for the petitioner submitted that despite there is a mandate under Section 12(6) of the Industrial Disputes Act, 1947, that the report of the conciliation has to be filed within 14 days from the commencement of the conciliation proceedings, the proceedings are pending months together. Since the last wage settlement entered between the Union and the Management got expired on 30.11.2023, the petitioner Union has made a claim for wage revision, in which the conciliation proceedings are still pending.

4. Since the claim has been made before the first respondent authority on 18.07.2024 and two months have already been expired, I feel it is appropriate to issue a direction as sought for by the petitioner. Hence, the first respondent is directed to consider the claim of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Since the



direction is only against the first respondent, notice is dispensed against the other respondents in this writ petition.

5. In the result, this Writ Petition is **allowed**. No costs.

19.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1.The Assistant Commissioner of Labour (Conciliation),
No.18, Sevatha Gounder Street,
Bangalore Road, Krishnagiri,
Krishnagiri District - 635 001.

2.The Chief Executive Officer,
M/s.Bata India Ltd.,
Bata House - 418/02,
Gurgaon Mahrauli Road, Sector Gurgaon,
Haryana - 122 002.

3.The Secretary,
Government of Tamil Nadu,
Department of Labour and Employment,
Fort St. George,
Chennai - 600 009.

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R.N.MANJULA, J.

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