



WP(MD). No.17337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26.07.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD). No.17337 of 2024

Madras Rubber Factory Limited(MRF),
Represented by its Authorised Signatory/ General Manager,
Mr.Aji Cherian,
TCR Plant Naranamangalam (Village & Post), Alathur Taluk,
Perambalur District-621 109.

.. Petitioner

Vs.

1.The Government of India,
Rep. By its Secretary to the Government,
Department of Labour and Employment,
Fort.St.George,
Chennai – 600 009.

2.The Deputy Commissioner of Labour (Addl I/c),
Office of Joint Commissioner of Labour,
Trichy.

.. Respondent

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents herein to complete the conciliation proceedings pending on the 2nd respondent file in Na.Ka. No.Aa1/2354/2024 and in the event of failure to refer the same to the Labour Court for adjudication within a time frame that may be fixed by the Court.



WEB COPY



WP(MD). No.17337 of 2024

For Petitioner : Mr.M.Vaikunth

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

Heard Mr.M.Vaikunth, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.

2. This Writ Petition has been filed for a direction to the respondents to complete the conciliation proceedings pending on the 2nd respondent file in Na.Ka. No.Aa1/2354/2024 and in the event of failure to refer the same to the Labour Court for adjudication

3. Mr.M.Vaikunth, learned counsel appearing for the petitioner submitted that the petitioner company vide long term settlement regarding the wages with the employees union for a period of four years from January 2020 to December 2023. The said settlement got expired on 31.12.2023. In order to have further settlement for the forthcoming years, the petitioner management mooted out negotiation with the employee union, but could not arrive at amicable settlement. Hence, the issues were referred to the respondent for conciliation.



WP(MD). No.17337 of 2024

WEB COPY

4. Accordingly, the respondent vide notice dated 10.05.2024 had called upon the petitioner company and the workers union to participate in a conciliation meeting. The petitioner's grievance is that right from the commencement of the conciliation proceedings on 10.05.2024, several meetings took place on 27.05.2024, 31.05.2024, 01.06.2024, 10.06.2024, 10.07.2024, but in none of the above meetings, the union has come forward to settle the issues in an amicable manner. Hence, the petitioner seeks a direction to the respondent to complete the proceedings pending on his file within a time frame.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the



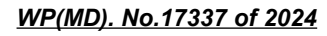
WP(MD). No.17337 of 2024

petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondent is required to be given with direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, this Writ Petition is disposed of with a direction to the respondent herein to complete the conciliation proceedings pending on his file in Na.Ka. No.Aa1/2354/2024 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondent to consider the same on its own merits. No costs.

26.07.2024

NCC : Yes/No
Index : Yes/No
PNM



1. The Government of India,
Rep. By its Secretary to the Government,
Department of Labour and Employment,
Fort.St.George,
Chennai – 600 009.

5/6



WEB COPY



WP(MD). No.17337 of 2024

R.N.MANJULA, J.

PNM

W.P.(MD)No.17337 of 2024

26.07.2024