

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 15.04.2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.6382 of 2019 and
W.M.P.No.7209 of 2019

Caterpillar India Private Limited Workers Union,
Rep. by its General Secretary,
Regn.No.CPT/414,
No.Melnallathur,
Thiruvallur 602 004.

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai 600 009.
2. The Deputy Commissioner of Labour (Conciliation)²
(earlier designated as Assistant Commissioner of Labour
Conciliation)²) Kuralagam,
Chennai 600 108.
3. The Management
Caterpillar India Private Limited,
Melnallathur,
Tiruvallur District 602 004.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the concerned records from the 2nd Respondent, quash the order of the 2nd Respondent bearing Na.Ka.No.A/730/17, dated 22.06.2018 and consequently



direct the 2nd Respondent to submit report to the 1st Respondent based on the complaint given by the petitioner dated 20.10.2017 under Section 25 U of the Industrial Disputes Act, 1947 and in turn the 1st Respondent to issue necessary orders to prosecute the 3rd Respondent under Section 25 U of the Industrial Disputes Act, 1947.

For Petitioner : Mr.V.Prakash (Party in person)
For Respondents : Mr.K.Surendran, (For R1 and R2)
Additional Government Pleader
Ms.Keerthana
for AGAM Legal Advocates for R3

ORDER

The Writ petition has been filed seeking to call for the records from the 2nd Respondent pertaining to the order passed in Na.Ka.No.A/730/17, dated 22.06.2018 and consequently direct the 2nd Respondent to submit report to the 1st Respondent based on the complaint given by the petitioner dated 20.10.2017 under Section 25 U of the Industrial Disputes Act, 1947 and in turn the 1st Respondent to issue necessary orders to prosecute the 3rd Respondent under Section 25 U of the Industrial Disputes Act, 1947.

2. The brief facts of the case are as follows:

The petitioner is a registered Union which is registered under Trade Unions Act and its Registration number is CPT 414. Majority of the employees



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employed in the third respondent management are the members of the petitioner Union. The 3rd Respondent is engaged in the manufacture of heavy vehicles, Earth Movers etc., The Petitioner Union has submitted charter of demands as the settlement had come to an end. However, the 3rd Respondent being irked by the Trade Union activities of the petitioner Union, in order to terrorize the employees and spike them, is indulging in unfair labour practice. As per Clause I Schedule V (15) Schedule V of the Industrial Disputes Act it is an unfair labour practice of the employer on the Union and the same is prohibited under Section 25 of the Industrial Disputes act, 1947 and punishable under Section 25 U of the ID Act, 1947. While so, when the Petitioner Union has given a complaint to the 2nd Respondent in respect of not holding negotiation with the petitioner on charter of demands, the 2nd Respondent instead of submitting the report to the 1st Respondent regarding the prosecution to be initiated against the 3rd Respondent, has submitted failure report. Hence, this Writ Petition.

3. The petitioner party in person present before this Court and submitted that the charter of demand is pending for long time without any progress which causes grave mental agony and harassment to the employees and the third respondent is deliberately creating industrial unrest. The learned counsel



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further submitted that the petitioner has made a complaint inadvertently before the second respondent. Hence, this Court may permit the petitioner to make a fresh representation to the Government.

4. The learned counsel for the first respondent submitted that this Court may direct the petitioner to make a fresh representation to the Government.

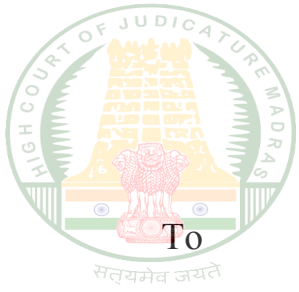
5. Heard the learned counsel for the petitioner as well as the first respondent and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court without going into the merits of the case permits the petitioner to make a fresh representation before the Government/first respondent directly in terms of the ID Act.

7. With the above direction, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2025

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Labour and Employment Department,
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