



WEB COPY



W.P.No.29950 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29950 of 2015

North Arcot District General Workers Federation,
Rep.by its Vice-President,
No.5 (Old No.18), Amirthalingasamy Sannadhi Street,
Kospet,
Vellore.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Labour and Employment (B2) Department,
Fort St.George,
Chennai.

2.The Labour Officer-I,
Vellore.

3.The Management of Vellore District Central Co-operative
Bank Limited,
Anna Salai,
Vellore-632 001.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order dated 22.02.2013 in G.O(D).No.77, Labour and Employment (B2) Department and quash the same and direct the first respondent to refer the dispute for adjudication under Section 12(5) of the Industrial Disputes Act, 1947.

For Petitioner	:	Mr.Balan Haridas
For Respondents	:	Mr.K.Surendran Additional Government Pleader for R1 and R2 Mr.L.P.Shanmugasundaram Special Government Pleader (Co-op) for R3

ORDER

This Writ Petition has been filed challenging the impugned order dated 22.02.2013 issued in G.O(D).No.77, Labour and Employment (B2) Department and for a consequential direction to the first respondent to refer the dispute for adjudication under Section 12(5) of the Industrial Disputes Act, 1947.

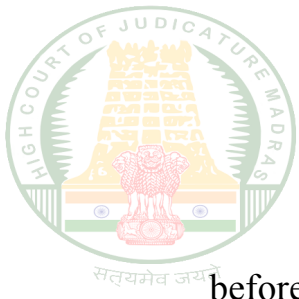


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2. The learned counsel appearing for the petitioner submits that one Munusamy, who is a member of the petitioner Union, was working in the third respondent Management as Branch Manager and the third respondent Management, vide orders dated 05.06.1976 and 02.03.1980, imposed the punishments of leave without wages for the period between 01.02.1976 and 08.06.1976 (129 days) and between 07.07.1998 and 31.12.1979 (543 days) on him. Challenging the same, the petitioner Union raised a dispute before the second respondent and the conciliation proceedings were ended in failure and the second respondent issued the conciliation failure report on 30.01.2012. Thereafter, the first respondent, vide impugned Government Order dated 22.02.2013, refused to refer the dispute for adjudication under Section 12(5) of the Industrial Dispute Act, 1947. Challenging the same, this Writ Petition has been filed.

3. The learned counsel appearing for the third respondent submits that the aforesaid Munusamy, for whom the petitioner Union raised dispute



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before the second respondent, has already raised Industrial Dispute in I.D.No.7 of 1994 before the Labour Court, Vellore, challenging the order of dismissal from service and it was dismissed. Therefore, for the very same relief, the petitioner Union cannot raise another Industrial Dispute before the Labour Court.

4. It appears that the petitioner Union raised dispute before the second respondent challenging the punishments of leave without wages for a period of 129 days (i.e.,) between 01.02.1976 and 08.06.1976 and 543 days (i.e.,) between 07.07.1998 and 31.12.1979 (543 days) imposed by the third respondent Management on the said Munusamy and to pay the wages for the aforesaid period to Munusamy. The conciliation proceedings were ended in failure and thereby, the second respondent submitted failure report and thereafter, the first respondent has refused to refer the dispute for adjudication before the Labour Court on the ground that the dispute was raised by the petitioner Union after a lapse of 33 years and it was a stale dispute and in the Industrial Dispute raised by the said Munusamy



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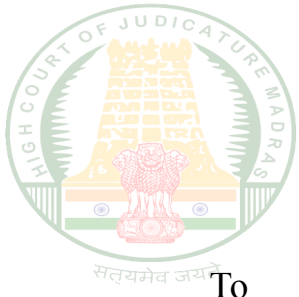
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challenging the order of termination, the Labour Court held that Munusamy is not a workman as per Section 2(s) of the Industrial Disputes Act. This Court does not find any irregularity or illegality in the order dated 22.02.2013 issued in G.O(D).No.77, Labour and Employment (B2) Department by the first respondent.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

06.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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