



WEB COPY

WP No. 28981 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

WP No. 28981 of 2022

1. Hindustan Unilever Workers Union
Rep. by its General Secretary, Regn.
No. 1538/ RTU/ 2008 , No. 2, Vellalar
Street, Villianur and Post, Puducherry -
605 110

Petitioner(s)

Vs

1. Government of Puducherry
Rep. by its Secretary, Labour
Department, Vazhudavoor Road,
Subbiah Nagar, Gandhi Nagar,
Puducherry 605 009

2.The Labour Officer (Conciliation)
Government of Puducherry, Office of
the Labour Officer (Conciliation),
No. 15, 1st Floor, Nehru Nagar,
Puducherry - 605 011

3.The Management
Hindustan Unilever Limited,
Detergents Factory, Vadamangalam,
Puducherry 605 102

Respondent(s)



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PRAAYER: This writ petition has been filed under Article 226 of the Constitution of India calling for the concerned records from the 2nd respondent, quash the order of the 2nd respondent dated 22.09.2022 bearing No. 2443 /LO (C)/ AIL/ 2022 as illegal, arbitrary and contrary to law and consequently direct the 2nd respondent to submit failure report on the dispute raised by the petitioner Union dated 18.07.2022 under Section 2(K) of the Industrial Disputes Act, 1947 to the 1st respondent and in turn direct the 1st respondent to refer the dispute regarding the suspension without wages for three days of D. Janagar before the competent Industrial Adjudicator under the Industrial Disputes Act, 1947.

For Petitioner(s): Balan Haridas

For Respondent(s): M/s. Ramaswamy Meyyappan,
GA(Pondicherry) for R1 & R2
Mr.Sanjay Mohan for
M/s.S.Ramasubramaniam &
Associates for R3

ORDER

This petition is filed to quash the order passed by the second respondent in No.2443/LO(C)/AIL/2022 dated 22.09.2022.

2. It is the case of the petitioner that the members of the petitioner union namely Hindustan Unilever Workers Union was issued with show cause notice dated 16.10.2019 and a charge memo dated 11.11.2019. Thereafter, domestic enquiry was conducted without following the principles of natural justice. The



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enquiry officer rendered a finding that the charges against one Janagar who is the treasurer of the Union had been proved. Thereafter, the third respondent vide order dated 18.06.2022 imposed the punishment of suspension for a period of three days without wages stating that the said Janagar did not attend the duty for a period of 16 days. Aggrieved over the same, the petitioner union raised an industrial dispute under Section 2(k) of the Industrial Disputes Act, 1947. Subsequently, the second respondent initiated conciliation proceedings and the third respondent also filed its reply dated 14.09.2022. However, the second respondent without submitting a failure report to the first respondent has issued the impugned order dated 22.09.2022 citing the reason that there is no dispute warranting conciliation. Challenging the same the present writ petition has been filed.

3. The learned counsel for the petitioner submits that the action of the second respondent in closing the dispute without submitting a failure report before the first respondent on the basis of the reply dated 14.09.2022 submitted by the third respondent is grossly illegal. Therefore, the impugned order is



liable to be quashed. He further submitted that the issue involved in this writ petition is no longer *res integra* and further submitted that already this Court has dealt with similar issues, one of which has been decided by this Court dated 13.06.2019 in W.P.No.3356 of 2012.

4. The learned counsel appearing for the third respondent would submit that the members of the petitioner union have committed grave misconduct. Thereby, the said Janagar was placed under suspension for a period of three days without wages. Thereafter, the management conducted domestic enquiry on the basis of the enquiry report submitted by the enquiry officer. Upon considering the reply submitted by the management, the second respondent has passed the impugned order which does not warrant any interference of this Court and the present writ petition is liable to be dismissed.

5. Heard the learned counsel for the parties.

6. The issue arises in the present writ petition is whether the second



respondent has power to close the dispute without conciliating the matter or

not ?

7. For better appreciation, the learned counsel for the petitioner relied upon the judgment of this Court in W.P.No.3356 of 2012 dated 13.06.2019, wherein this Court in paragraph 7 of the said order has held as follows:

“7. It is seen that the Labour Officer, Cuddalore had closed the dispute stating that the dispute could be raised by the Petitioner Union in an appropriate place. The role of the Officer concerned in terms of Section 12 of the Industrial Disputes Act, 1947 is to try to bring about a settlement between the parties and in case of failure of settlement, the failure Report has to be sent to the Government, based on which, the Government has to refer the dispute. However, the lis between the parties cannot be either adjudicated or closed by the concerned Officer.”

8. Admittedly, the conciliation officer without bringing about a settlement between the parties and submitting a failure report to the Government had erred in closing the dispute stating that there is no dispute warranting conciliation, which is wholly unsustainable. The dictum laid down in the



aforesaid decision in W.P.No.3356 of 2012 support the case of the petitioner

and in view of the issue having been settled already and the present case falls

squarely within the four corners of the said decision, this Court is inclined to

allow this Writ Petition in the same line by following the above order.

Accordingly, the impugned order dated 22.09.2022 is set aside and the matter is

remanded to the second respondent to settle the dispute in accordance with law.

The second respondent shall pass appropriate orders within a period of two (2)

months from the date of receipt of the copy of this order.

9. With the above said observations and directions this writ petition is allowed. No costs.

26-06-2025

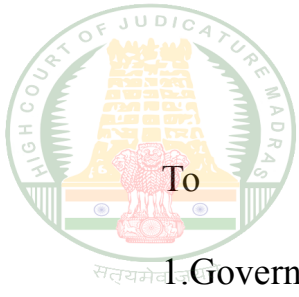
RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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