



W.P.(MD) Nos.10889 & 13446 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) Nos.10889 & 13446 of 2017

and

W.M.P.(MD) Nos.8320, 10513 & 15126 of 2017

W.P.(MD) No.10889 of 2017:

The Management
Lakshmi Metal Industries
Unit-1, B Super 4
Industrial Estate
Pettai, Tirunelveli-627 010
rep.by its Partner

... Petitioner

-VS-

1.Joint Commissioner of Labour
Madurai

2.The Tirunelveli Mavatta Jananayaga
Pathirapattarai Thozhilalargal
Sangam (Reg.No.1211/TVL)
44E, Pandiyapuram South Street
Pettai, Tirunelveli-627 004
rep.by its General Secretary

3.R.Krishnan

4.S.Velmurugan

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WEB COPY 5.E.Arulmurugan

6.J.Jeganathan

... Respondents

[R3 to R6 are impleaded *vide* Court
order dtd 07.11.2017 in W.M.P.
(MD) No.9413 of 2017]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order in No.Aa/484/2017, dated 29.05.2017, passed by the first respondent and quash the same as illegal.

For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1
Mr.D.Saravanan for R2 to R6

W.P.(MD) No.13446 of 2017:

The Management
Lakshmi Metal Industries
Unit-1, B Super 4
Industrial Estate
Pettai, Tirunelveli-627 010
rep.by its Partner S.Sivaraman

... Petitioner

-vs-

1.Joint Commissioner of Labour
Madurai



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2.The Tirunelveli Mavatta Jananayaga
Pathirapattarai Thozhilalargal
Sangam (Reg.No.1211/TVL)
44E, Pandiyapuram South Street
Pettai, Tirunelveli-627 004
rep.by its General Secretary

3.Pa.Mu.Saravanan
Joint Commissioner of Labour
Ellis Nagar
Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned proceeding of the first respondent in Na.Ka.No.Aa/1704/17, dated 06.07.2017 and quash the same as illegal.

For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1
Mr.D.Saravanan for R2

ORDER

These two writ petitions are at the instance of the same petitioner aggrieved by the orders passed by the first respondent apparently during the conciliation proceedings initiated under Section 12 of the Industrial Disputes Act, 1947 (in short, “the Act, 1947”).



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2. By virtue of the impugned orders, the first respondent directed the petitioner to reinstate the respondents 2 to 6 in W.P.(MD) No.10889 of 2017 and also the workmen, who are the subject matter of the conciliation proceedings, under challenge in W.P.(MD) No.13446 of 2017.

3. The scope of Section 12 of the Act, 1947, is limited and the first respondent is expected to put his best efforts to conciliate the matter between the Management and the workmen and in case if any settlement is arrived at, the first respondent has to record the settlement arrived at between the parties and then make the parties to act upon the said settlement. In case of failure of settlement, the first respondent is under obligation to submit a failure report to the appropriate Government leaving it open to the respective parties to work out their remedies in accordance with law.

4. But, in the instant case, the first respondent, instead of acting in terms of the provisions of Section 12 of the Act, 1947, exceeded to his jurisdiction and directed the petitioner herein to reinstate the workmen, who are alleged to have been removed from service, into service with backwages. The first respondent is not conferred with any such power to direct reinstatement, that too with backwages. In view of the same, the impugned



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orders dated 29.05.2017 and 06.07.2017, passed by the first respondent, on the face of it, are without jurisdiction and *non est* in the eye of law.

5. In the light of the above, the impugned orders dated 29.05.2017 and 06.07.2017, passed by the first respondent, are quashed and the first respondent is directed to submit a failure report to the appropriate Government, within a period of four weeks from the date of receipt of a copy of this order, to enable the aggrieved parties to work out their remedies in accordance with law.

6. Accordingly, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

25.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The Joint Commissioner of Labour,
Madurai.



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MUMMINENI SUDHEER KUMAR, J.

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