

(2004) 12 MAD CK 0059
In the Madras High Court
Case No : W.A. No. 4037 of 2004

Madura Sugars Staff Union

APPELLANT

Vs

Madura Sugar Mills

RESPONDENT

Date of Decision : 14-12-2004

Acts Referred:

Constitution of India, 1950 — Article 226
Industrial Disputes Act, 1947 — Section 10, 25C, 25M

Citation : (2005) 2 LLJ 5 : (2005) WritLR 25

Hon'ble Judges : Markandey Katju, C.J.;N.V. Balasubramanian, J

Bench : Division Bench

Advocate : D. Hariparanthaman, for the Appellant;

Judgement

Markandey Katju, C.J.—This writ appeal has been filed against the impugned order of the learned single Judge, dated October 20, 2004.

2. We have heard the learned counsel for appellants and have perused the impugned order. The appellants complained of violation of the provisions of Section 25-C of the Industrial Disputes Act read with Section 25-M.

3. It is well settled that if a workman complains of violation of a provision of the Industrial Disputes Act he has to approach forum created by that Act, i.e., either the Labour Court or the Industrial Tribunal by raising an industrial dispute. In the present case, the appellants have riot raised an industrial dispute and straightway have approached this Court under Article 226 of the Constitution of India. In our opinion, the writ petition itself should not have been entertained and should have been straightway dismissed on the ground of alternative remedy of raising industrial dispute as held by the Supreme Court in U.P. State Bridge Corporation Ltd. and Others Vs. U.P. Rajya Setu Nigam S. Karamchari Sangh, .

4. For the reason given above, we set aside the order of the learned single Judge and we relegate the appellants to the alternative remedy under the Industrial Disputes Act. If the appellants approach the State Government with a request to

make a reference u/s 10 of the Industrial Disputes Act, the-State Government will decide whether to make" a reference, preferably within threes-weeks of filing of the application after hearing the respondent. If the reference is made u/s 10 of the Act, we hope and trust that the Labour Court/Tribunal will decide the industrial dispute, preferably within four months thereafter, in accordance with law.

5. With the above observation, the writ appeal is disposed off. Consequently, W.A.M.P. Nos. 7610 and 7611 of 2004 for injunction are closed.