
(2015) 02 KAR CK 0206

In the Karnataka High Court

Case No : Writ Petition No. 47702/2014 (L-RES) and Writ Petition No. 49148/2014

MICO Employees Association

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 16-02-2015

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(1)(c)/(d), 12(3), 18(3)

Citation : (2015) 02 KAR CK 0206

Hon'ble Judges : Ashok B. Hinchigeri, J.

Bench : Single Bench

Advocate : T. Narayanaswamy, for the Appellant; I. Taranath Poojari, AGA, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Ashok B. Hinchigeri, J.—Sri I. Taranath Poojari, the learned Additional Government Advocate is directed to take notice for the respondent Nos. 1 to 3.

2. The petitioner and the respondent No. 4 have arrived at the settlement and have filed a joint memo in that regard. The same is taken on record. It is signed by Sriyuths S. Prasanna Kumar and Amarjeet K. Bhatia, President and General Secretary respectively of the petitioner's Association and Sriyuths A. Gopi Kumar and M. Nagaraj, Factory Manager and Senior General Manager respectively of the fourth respondent Management and their respective learned advocates. The said parties are present before the Court. They and their signatures are identified by their respective learned advocates. They state that they have entered into the settlement of their volition and without any duress from anybody.

3. The joint memo reads as follows:

1. The Government of Karnataka vide its Orders of even number LD 565 IDM 2014 dated 10.10.2014 referred the dispute to Honorable Industrial Tribunal, Bangalore under Section 10(1)(c)/(d) of the Industrial Disputes Act 1947 for

adjudication on the points regarding Charter of Demands dated 05.12.2012.

2. The Petitioner - Union had filed a Writ Petition No. 47702/2014 (L-Res) challenging the Orders of the Conciliation Officer concluding the conciliation proceedings and also filed a Writ Petition No. 49148/2014(L) challenging the order of Government prohibiting the strike in the factory. Whilst these matters were heard, this Hon''ble Court suggested that the parties must endeavor to amicably settle the matter in respect of the charter of demands.

3. In deference to the suggestions made by the Honorable High Court of Karnataka, the parties (Petitioner and the Respondent), in order to avoid prolonged litigation on the subject matter of much importance for both the Company and workmen, again discussed threadbare the whole gamut of issues involved, in several meetings held between them, in respect of the unresolved points both under the said Charter of Demands dated 5.12.2012 submitted by the Petitioner to the Respondent Management and the Management proposals submitted by the Respondent Management to the Petitioner Union vide its letters dated 04.02.2013, 26.04.2013, 05.07.2013 and 20.11.2014 and arrived at a Summary of Understanding (SoU) on 05.12.2014.

4. After signing the above SoU on 05.12.2014, the Petitioner Union conducted a Referendum amongst its Workmen members on 07.12.2014 to ascertain their affirmative consent or otherwise on the terms and conditions of the SoU and whether the Office Bearers of the Petitioner Union could go ahead with signing a Tripartite Memorandum of Settlement. The majority of workmen members of MICO Employees' Association, Bangalore, the Respondent Union, gave their consent and authorized the said union to sign the settlement. A Tripartite Settlement was signed on 08.12.2014, in the presence and in the office of the Additional Labour Commissioner (IR) and State Conciliation Officer, Department of Labor, Bannerghatta Road, Bangalore. Copy of the said settlement is annexed to this Joint Memo and marked as "Annexure A".

5. It is agreed vide Clause 24.1 of Part II of the Memorandum of Settlement by both the parties to file a Joint Memo in the matter of the Reference bearing No. ID 279/2014 before the Honorable Industrial Tribunal, Bangalore with a request to pass an Award in terms of the settlement signed under Section 12(3) read with 18(3) of Industrial Disputes Act, 1947 read with Rule 59 of the Industrial Disputes (Karnataka) Rules 1957 and seek disposal of the said Reference bearing No. ID 279/2014, as fully settled out of Court.

6. Further, it is also agreed vide Clause 24.2 of Part II of the Memorandum of Settlement by the Petitioner Union to withdraw the Writ Petitions bearing No. 47702/2014 connected with Writ Petition No. 49148/2014 as disposed of in terms of joint memo.

Further, it is also respectfully prayed by both the parties that the Honorable Court may be pleased to pass Orders directing the Honorable Industrial Tribunal at Bangalore to dispose of the Reference bearing ID No. 279/2014 by passing an

award in terms of the Memorandum of Settlement signed between the parties on 08.12.2014 at Annexure-A and that there be no costs in these proceedings in the interest of justice, equity and good conscience.

Wherefore, both the Petitioner and the 4th Respondent respectfully pray this Honorable Court may kindly be pleased to consider what is stated above, since the entire dispute is settled by both the parties.

In view of what is stated above, both the parties pray that this Hon''ble Court may be pleased to dispose of the Writ Petition i.e., W.P. No. 47702/2014 (L-RES) c/w W.P. No. 49148/2014(L) as settled out of the court in terms of this Joint Memo.

4. Both the petitions are disposed of in terms of the joint memo extracted hereinabove. Further, the Industrial Tribunal is directed to consider passing the award in terms of the memorandum of settlement, dated 8.12.2014 (produced as Annexure-A to the joint memo), as the entire dispute is settled by the Management and the Employees'' Association.