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**(1969) 03 MAD CK 0038**  
**In the Madras High Court**

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| The Workmen of V.M. Bus Service    |    | APPELLANT  |
|                                    | Vs |            |
| The Labour Officer, II and Another |    | RESPONDENT |

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**Date of Decision :** 06-03-1969

**Acts Referred:**

Industrial Disputes Act, 1947 — Section 12(1)

**Citation :** (1970) 1 MLJ 221

**Hon'ble Judges :** A. Alagiriswami, J

**Bench :** Single Bench

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**Judgement**

A. Alagiriswami, J.—One Radhakrishnan, a member of the petitioner-Union, was a conductor under the second respondent. He was removed from service on the ground that he had made collections without issuing tickets. He offered some explanation, to which it is not necessary to refer. The Union approached the first respondent, Labour Officer, for undertaking conciliation proceedings and the first respondent informed the petitioner-Union that, as there was no violation of principles of natural justice, no industrial dispute was apprehended. This has been interpreted by the petitioner-Union as a refusal by the first respondent to discharge his duties and, therefore, a writ of mandamus has been prayed for.

2. u/s 12(1) of the Industrial Disputes Act,

where an industrial dispute exists or is apprehended, the Conciliation Officer may, or where the dispute relates to a public utility service and a notice u/s 22 has been given shall, hold conciliation proceedings in the prescribed manner Notice u/s 22 not having been given, there is no obligation cast on the Labour Officer to undertake conciliation proceedings. In addition, he has said that no industrial dispute is apprehended. The statute confers a discretion on the Conciliation Officer to decide whether he should hold conciliation proceedings or not However, Sub-section (4) of that section is relied upon on behalf of the petitioner-Union to urge that the Conciliation Officer has got to send a report to the Government setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement

thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at and therefore there is an obligation cast on him to hold conciliation proceedings. This sub-section will apply only where the conciliation proceedings are held and no such settlement is arrived at. It cannot apply where the conciliation proceedings have not been held. To such a case, only Sub-section (1) of Section 12 applies. As that sub-section confers a discretion on the Conciliation Officer to decide whether he shall hold conciliation proceedings or not, there is no room for the issue of a writ of mandamus in this case.

3. The petition is dismissed.