

(2021) 01 KL CK 0350
In the High Court Of Kerala
Case No : Writ Petition (C) No. 28135 Of 2020

Vineesh M.P

APPELLANT

Vs

Labour Commissioner And Ors

RESPONDENT

Date of Decision : 14-01-2021

Acts Referred:

Industrial Disputes Act, 1948 — Section 12

Citation : (2021) 01 KL CK 0350

Hon'ble Judges : A.M. Badar, J

Bench : Single Bench

Advocate : Kaleeswaram Raj, Varun C. Vijay, A. Aruna, Maitreyi Sachidananda Hegde, Pooja Surendran

Final Decision : Disposed Of

Judgement

1. The petitioner, a junior Clerk working with Dharmadam Service Co-operative Bank, came to be dismissed from service after regular departmental enquiry. He preferred an application under Section 12 of the Industrial Disputes Act, 1948 raising an industrial dispute and seeking conciliation. It is averred that there is undue delay in the conciliation proceedings and because of the delay, the petitioner who happens to be the sole breadwinner of the family is suffering a lot. The petitioner is therefore praying for directing the District Labour Officer, Kannur to complete the conciliation proceedings and to submit the report if any to the appropriate Government within a prescribed time frame.
2. Learned Government Pleader submits that this writ petition can be disposed of with a direction to the 3rd respondent District Labour Officer to expedite the conciliation proceedings and either to arrive at settlement of the dispute or to send failure report to the appropriate Government.

3. I have considered the submissions so made. The petitioner is a dismissed Junior Clerk and he had applied for conciliation in the matter. It is the duty of the conciliation officer to conciliate and either to settle the industrial dispute sought to be raised or to submit failure report to the appropriate Government which in turn is required to make an order of reference on arriving at a conclusion that industrial dispute exists.

4. In the case in hand, the petitioner is a Junior Clerk dismissed by his employer and as such, prima facie case is that of industrial dispute. If the dispute cannot be settled in conciliation proceedings, then, on receipt of failure report, appropriate Government is duty bound to refer the same for adjudication to the appropriate Court or Tribunal.

In the light of the foregoing discussions, this writ petition is disposed of with a direction to the respondents to expedite the conciliation proceedings and if settlement could not be arrived at, then to consider reference of the industrial dispute to appropriate Government for adjudication expeditiously and the appropriate Government should thereafter, on arriving at the existence of industrial disputes, refer the same to the appropriate court for adjudication.