

**BEFORE THE PRINCIPAL LABOUR COURT, VELLORE.
VELLORE DISTRICT.**

**PRESENT : Tmt.S.Uma Maheswari, M.L.,
Presiding Officer**

Saturday, the 07th day of February, 2026

**MEMO
IN
I.D. No.07/2024**

M.Neelamegam,
S/o. Munisami,

....

Petitioner

Versus

The Management,
Susi Polymers Private Limited,
Vellore.

....

Respondent

ORDER IN THE MEMO

The petitioner in this case filed a memo, seeking permission of this court to dismiss the above petition as not pressed.

In the memo the petitioner alleged that the union in which he is a member had raised an Industrial Dispute under Section 2(K) before the conciliation officer regarding his non-employment and the same is pending for conciliation proceedings. Therefore, he is not interested in pursuing the above I.D. and to not-press the above I.D. he filed the present memo.

The respondent management filed their objections to the memo and stated that the memo is wholly impermissible either in law or on the facts of the case. The respondent stated that the petitioner originally raised an

Industrial Dispute under Section 2(A) of the I.D. Act before the conciliation officer alleging wrongful denial of employment. The said petition was taken on file and the respondent filed their detailed counter. Since no settlement was arrived at, the conciliation officer submitted failure report in accordance with law. Thereafter the petitioner based on the above failure report filed this present I.D. in which the respondent also filed their counter.

The respondent further states that Section 2(A)2 of the I.D. Act provides that on receipt of an application the Labour Court shall have the powers and jurisdiction to adjudicate upon the dispute as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act, and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

The respondent further states that Rule 25-B of the Tamil Nadu Industrial Disputes Rules provides for filing of an application as provided for under Section 2A. Further the Rule 34(10) provides that in case any party defaults or fails to appear at any stage, the Labour Court may proceed ex-parte and decide the application in the absence of the defaulting party. The Industrial Disputes Act does not provide for withdrawing a dispute once filed on a premise that certain other industrial dispute is pending conciliation as is sought for by the petitioner.

It is the specific case of the respondent in the written statement that the petitioner was not denied employment and repeated applications are filed only with malafide intention. Hence the respondent requested this

court to reject the memo filed by the petitioner and to proceed with the case in accordance with law.

After hearing the respective counsels and after perusing the pleadings filed by them, this court comes to know that the petitioner has approached this court by filing the petition under Section 2A(2) and seeking the reliefs of reinstatement, back wages and all other attendant benefits.

In this case the respondent entered their appearance and filed the counter and the case is pending for enquiry from 04.11.2024 till date. On 23.10.2025 the petitioner has filed a memo seeking permission of this court to not-press the present I.D. for the reason that he had intended to proceed with the 2K dispute raised by the union.

This memo seeking permission of the court to not-press the I.D. has been strongly objected by the respondent for the reason that this present petition has been filed only on the basis of the Industrial Dispute raised by the petitioner under Section 2A of the I.D. Act before the Conciliation Officer. Since the conciliation proceedings ended in failure, the conciliation officer recorded failure report. On that basis the petitioner has approached this court and filed a petition under Section 2A(2) of the I.D. Act and at present the case is pending for commencement of enquiry. The respondent contented that, at this stage the petitioner is seeking permission of the court to not-press the I.D. is not at all maintainable.

The learned counsel further by referring Section 2A(2) of the I.D. Act argued that the application received by this court under the above Section has to be adjudicated by this court as, if it were a dispute referred by the appropriate government in accordance with the provisions of the Act. As

such all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an Industrial Dispute referred to it by the appropriate government.

Further the learned counsel also relied upon the Rule 25(B) and Rule 34(10) of the Tamil Nadu Industrial Dispute Rules. By mentioning the above rules he argued that if any party defaults or fails to appear at any stage, the Labour Court may proceed ex-parte and decide the reference application in the absence of the defaulting party, and further argued that the petitioner cannot not-press this Industrial Dispute petition raised by him. The counsel further argued that the petitioner has filed this memo only with an intention to proceed with the 2(K) dispute referred by the union. The petitioner by filing petition before this court under Section 2(A) of the Act and later by filing petition before the conciliation officer under Section 2(K) of the Act is causing inconvenience to the management.

The respondent counsel further argued that they at the time of filing the counter before the conciliation officer as well as before this court, have taken a specific stand that the management never denied the employment to this petitioner. The management had issued disciplinary proceedings in respect of the other employees and they raised a 2(K) dispute. The petitioner with an intention to support the activities of the union on his own volition had remained absent to attend the duty after 25.03.2021, but the management never denied employment to him.

In the meantime, some of the employees on their own have decided not to attend the work and thereby forced the management to take disciplinary actions separately. Thereby the

union had intended to project as if the management was indulging in unfair labour practices against the union members. With that intention alone the union is guiding the employees including the petitioner wrongly and forced them initially to raise the industrial dispute against the management, and now intended to raise the 2(K) dispute against the management, which is not maintainable and thus requested this court to reject the memo.

This court finds that initially the petitioner had raised the Industrial Dispute alleging denial of employment to him made by the management and claiming the relief of reinstatement along with other benefits. This Industrial Dispute has been filed in the year 2024 and when the court was about proceed with the enquiry, the petitioner came forward with this present memo to not-press the I.D. and also seeking the permission of this court to proceed with the 2(K) dispute referred by the union.

This court is not accepting the stand taken by the present petitioner, for the reason that it is the specific case of the petitioner that he had been denied employment by the management and therefore he had raised an Industrial Dispute under Section 2(A) before the conciliation officer. The management participated in the conciliation proceedings, but the same had ended in failure and consequently the conciliation officer recorded failure report.

Based on the failure report the petitioner has approached this court with the petition under Section 2(A) 2 of the I.D. Act and seeking the relief of reinstatement. If the case of the petitioner is really true, he would have proceeded with the enquiry. Instead of proceeding with the enquiry he has intended to not-press the I.D. in order to proceed with the 2(K) dispute

raised by the union on behalf of its members, and it is pending for conciliation. This averment of the petitioner clearly shows that he has intended to drag on the proceedings and to file petitions after petitions before the concerned authorities by invoking the provisions of the I.D. Act on his own. The petitioner who has initially raised the 2(A)2 dispute before this court now intends to proceed with the 2(K) dispute. This stand taken by the petitioner clearly reveals that the union intended to project that the management was adopting unfair labour practices against the workers.

The counsel for the respondent argued that the union is intended to show that large numbers of employees are getting affected and for this reason alone the union is forcing the petitioner to not-press this I.D. and to proceed with the 2(K) dispute. Apparently the union had raised the 2(K) dispute before the conciliation officer on behalf of its members and in order to show the affected employees number on higher side the union has already included the petitioner's name and raised the dispute alleging wrongful denial of employment. Therefore, the petitioner now does not want to proceed with this 2(A)2 petition and intends to proceed with the 2(K) dispute.

This court is of the view that once the dispute has been raised before this court, the court has to treat the same as if it were referred by the appropriate Government and the court has to adjudicate the same on merits irrespective of their non-appearances. The petitioner who has chosen and decided to raise the dispute before the conciliation officer and later before this court, and when it is pending for adjudication, as per his whims and fancies he cannot not-press the same. The petitioner should have decided concretely before raising a 2(A) dispute whether to proceed with the 2(A)

dispute or with 2(K) dispute. The petitioner has chosen and proceeded with the failure report recorded by the conciliation officer and consequently has approached this court under Section 2(A)2. Once the dispute is raised, the petitioner ought to have proceeded with the same. The petitioner cannot step back and chose another option of preferring 2(K) dispute for the very same ground of non-employment. Further this court is also under an obligation to adjudicate the dispute on merits once it is raised before this court. Hence, the court cannot permit the petitioner to act as per his whims and fancies. Whether the petitioner is entitled for the reliefs or not? will be decided only at the end of the trial. Prior to the commencement of the trial this court cannot permit the petitioner to not-press this I.D. with liberty to proceed with the 2(K) dispute raised by the union.

Thus from the discussion made *supra*, this court finds no merits in the stand taken by the petitioner. Therefore the memo filed by the petitioner seeking permission to not-press the I.D. cannot be granted by this court and consequently the memo filed by the petitioner is rejected.

Dated on this the 07th day of February 2026.

**Presiding Officer,
Principal Labour Court,
Vellore.**