

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.4436 of 2015

Puthiya Jananaayaga Thozhilalar
Munnani (Reg. No.46/TVR), Rep. by
its I.T. Employees Wing Organizer
Karpagavinayagam. .. Petitioner

-vs-

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Labour &
Employment Department,
Secretariat, Fort St. George,
Chennai.
- 2.The Commissioner of Labour,
D.M.S. Campus, Teynampet, Chennai.
- 3.The Deputy Chief Inspector of Factories,
Kanchipuram District, TANSI Buildings,
Guindy, Chennai.
- 4.The District Collector,
Kanchipuram District, Kanchipuram.
- 5.The Management
TATA Consultancy Service Limited,
Rep. by its Vice-President-Human Resources,
No.185, Lloyds Road, Chennai. .. Respondents

Petition under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus to direct the
respondents to implement the labour welfare legislation to
the I.T. Sector in particularly TCS software company and
pass appropriate orders based on petitioner's
representation dated 21.01.2015.

For Petitioner : Mr.R.Sankarasubbu
for Mr.S.Parthasarathi

For Respondents : Mr.S.T.S.Moorthy,
Govt. Pleader for RR1 to 4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner is a registered trade union seeking to espouse the cause of the employees in the I.T. Sector. It is the contention of the learned counsel for the petitioner appearing before us that the workers in the Sector are protected by the Industrial Disputes Act, 1947. He, however, submits that the workmen, specifically of TATA Consultancy Service Limited (TCS), are not in a position to espouse their cause and thus, this Court should entertain the present Public Interest Litigation.

2.In order to substantiate his plea, the learned counsel relies upon the judgment of the Hon'ble Supreme Court in People's Union for Democratic Rights and Others vs. Union of India and others, (1982) 3 SCC 235 and of this Court in Taken up PIL vs. Union of India and others, CDJ 2011 MHC 3663. The first case dealt with poor, illiterate and ignorant class of persons, who needed protection, while the second one deals with children, who are stated to be employed in factories due to their poverty. Thus, in our view, those two judgments would not have application to the facts in the case, which deal with educated employees of the I.T. Centre.

3.We put a query to the learned counsel for the petitioner as to why, if he is of the opinion that the Industrial Disputes Act applies, the petitioner should not approach under the said Act for any remedy. He submits that a representation has already been preferred to the concerned authorities on 21.01.2015, but there has been, so far, no action.

4.In our view, the primary question would have to be decided by the competent authority, whether the I.T. Industry would be covered by the Industrial Disputes Act or not, which could only be if the concerned parties approach under the provisions of the said Act. Further, if it is

not covered, whether it is required to be covered on account of the interest of the workmen would be a policy decision to be taken by the Government, which may require legislative changes. In either of the two situations, it would not be appropriate to entertain a Public Interest Litigation which, from its bare reading, is purely a dispute between the employees and the employer relating to TCS, as even canvassed by the learned counsel for the petitioner. It is for the concerned authorities to act on the representation made by the petitioner.

5. In view of the aforesaid, we close the writ proceedings, leaving it to the concerned authorities to take action on the representation made by the petitioner in accordance with law expeditiously. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

sra

To

1. The Secretary to
the Government of Tamil Nadu,
Labour & Employment Department,
Secretariat, Fort St. George,
Chennai.
 2. The Commissioner of Labour,
D.M.S. Campus, Teynampet, Chennai.
 3. The Deputy Chief Inspector of Factories,
Kanchipuram District, TANSI Buildings,
Guindy, Chennai.
 4. The District Collector,
Kanchipuram District, Kanchipuram.
- +2ccs to Mr.S.Parthasarathi, Advocate SR.No.9581
+1cc to Government Pleader, SR NO 9859

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gp/26.2.

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