

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.8416 of 2015

Tamil Nadu Power Engineer's Organisation
Rep.by its General Secretary
K.Arulselvan, No.27, Mosque Street
Chepauk, Chennai - 600 005 .. Petitioner
vs.

1. Tamil Nadu Generation and Distribution Corporation
Rep.by its Chairman
and Managing Director
No.144, Anna Salai,
Chennai -600 002
2. The Chief Engineer/Personnel
Tamil Nadu Generation and Distribution Corporation
No.144, Anna Salai, Chennai -600 002 .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the 2nd respondent to permit the petitioner Organisation to participate in the Discussion/Negotiation for the double channel promotion of the RWE (Regular Works establishment) employees of TANGEDCO in the meeting held on 25.3.2015 or other convenient date before the chamber of the Managing Director of TANTRANSCO.

For Petitioner : Mr.P.M.Jayachandran
For Respondent : Mrs.R.Varalakshmi
Standing Counsel for TNEB

ORDER

Heard Mr.P.M.Jayachandran, learned counsel for the petitioner. Mrs.R.Varalakshmi, learned standing counsel takes notice for the respondents. By consent of learned counsel on either side, the writ petition itself is taken up for final disposal at the stage of admission.

2. The petitioner Organisation has filed the above writ petition to issue a Writ of Mandamus, directing the 2nd respondent to permit their Organisation to participate in the Discussion/Negotiation for the double channel promotion of the RWE (Regular Works establishment) employees of TANGEDCO in the meeting to be held on 25.3.2015 or other convenient date before the chamber of the Managing Director of TANTRANSCO.

3. It is the case of the petitioner organisation that their organisation has been registered under the Trade Unions Act, 1926 on 28.10.2003 bearing Registration No.2998/CNI. It has got affiliated with COTTEEEFEI Trade Union. The petitioner Organisation has stated that it had participated along with other Trade Unions in the Conciliation held on 09.01.2014 before the Commissioner of Labour under Section 12 (3) of the Industrial Disputes Act, 1947. Further, according to the petitioner, the second respondent had issued a letter dated 13.3.2015 to all other employee Union informing them to participate in the discussion about the channel system of RWE employees and Committee's report and requesting to furnish written comments. However, according to the petitioner, their Organisation has not been included to participate in the discussion. Therefore, the petitioner Organisation gave a representation dated 23.3.2015 for including them in the discussion.

4. Mrs. R.Varalakshmi, learned standing counsel for the respondents submitted that if the petitioner Organisation gives written suggestions before the respondents, the respondents would consider the same at the time of deciding the matter.

5. Having regard to the submissions made by the learned counsel on either side, since the discussion is scheduled to be held today at 3.00 p.m., the petitioner Organisation shall give their suggestions in writing and submit the same before the second respondent today itself and on receipt of the same, the respondents shall consider the suggestions given by the petitioner Organisation at the time of deciding the matter.

With these observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Chairman and Managing Director
Tamil Nadu Generation and Distribution Corporation
No.144, Anna Salai, Chennai -600 002
2. The Chief Engineer/Personnel
Tamil Nadu Generation and Distribution Corporation
No.144, Anna Salai, Chennai -600 002

+1 cc to M/s.R.Varalakshmi, Advocate,SR.17405

+1 cc to mr.M.Jayachandran, Advocate,SR.16920.