

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JANUARY,
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WP : 646 of 2015

Between:

Sukeshini Kalokhe D/o late Kisan Kalokhe, (07842035551)

Occ: Assistant Consultant, Address: H-No.15-15/179,

Sudarshan Nagar Colony, Opp: H.C.U Bus Depot, Hyderabad-19.

..... PETITIONER

AND

- 1 State of Telangana, Rep by its Principal Secretary, Department of Labour, Secretariat, Hyderabad.
- 2 Commissioner of Labour, Labour Department, State of Telangana, Hyderabad.
- 3 The Management of Tata Consultancy Services Limited, Represented by the Vice-President-Human Resources, 185, Lloyds Road, Chennai - 600 086.

.....RESPONDENTS

WHEREAS the Petitioner above named through her Advocate Sri U.D. JAI BHIMA RAO presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to issue orders, directions or Writs, in particular a WRIT OF MANDAMUS directing the first respondent to commence conciliation proceedings forthwith in respect of the Industrial Dispute raised by the petitioner in connection with the order of termination of her service dated 10th December 2014 issued by the second respondent and consequently direct the second respondent to await the resolution of the said Industrial Dispute before giving effect to the said order of termination and issue such further or other orders or directions as this Honorable Court may deem fit and proper in the facts and circumstances of the case and thus render justice;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri U.D. Jai Bhima Rao, Advocate for the Petitioner, the learned Assistant Government Pleader for Labour (TG) for Respondent Nos.1 & 2 and Sri A. Sanjay Kishore, Standing Counsel for Respondent No.3, directed issue of notice to the Respondents herein returnable in three weeks to show cause as to why this writ petition should not be admitted in the circumstances set out in the petition and the affidavit filed in the Writ Petition;

You viz ;

- 1 The Principal Secretary, Department of Labour, State of Telangana,

Secretariat, Hyderabad.

- 2 The Commissioner of Labour, Labour Department, State of Telangana, Hyderabad.
- 3 The Vice-President-Human Resources, Management of Tata Consultancy Services Limited, 185, Lloyds Road, Chennai - 600 086.

are directed to show cause as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this writ petition should not be admitted.

THE COURT MADE THE FOLLOWING ORDER:

On behalf of the 3rd respondent, a counter-affidavit has been filed disputing the claim of the petitioner that she is a workman. The claim of the petitioner in this regard is resisted essentially by two- fold: (1) that her wage package is a little more than Rs.13-00 lac per annum; and 2) she has been discharging duties involving designing and implementing Client Specific Software and also imparting training to the Junior Level Executives, and, consequently, the status is that of a Managerial position, but not a workman, as per the definition contained in Section 2(s) of the Industrial Disputes Act.

Per contra, Sri U.D. Jai Bhima Rao, learned counsel for the petitioner, would submit that the petitioner has already moved the Labour Department and the Labour Department has been delaying the process of conciliation. If only conciliation has been undertaken, perhaps, a way-out would have been worked out by now.

The learned Assistant Government Pleader for Labour, who sought time to secure detailed instructions in the matter, has been left with the instructions that the Labour Department is studying the application of the writ petitioner for undertaking conciliation.

Hence, issue notice before admission returnable in three weeks.

Registry is directed to list this matter after three weeks in the Motion List, for the response of Respondents 1 and 2.

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Department of Labour, State of Telangana, Secretariat, Hyderabad.
- 2 The Commissioner of Labour, Labour Department, State of Telangana, Hyderabad.
- 3 The Vice-President-Human Resources, Management of Tata Consultancy Services Limited, 185, Lloyds Road, Chennai - 600 086.

(Addressees 1 to 3 BY RPAD along with a copy of petition and affidavit)

- 4 One CC to Sri U.D. Jai Bhima Rao, Advocate (OPUC)
- 5 Two CCs to the G.P. for Labour (Telangana), High Court, Hyderabad.
(OUT)
- 6 One Spare Copy.

nnr

HIGH COURT

NRR,J

DATE: 23-01-2015

NOTE: List after three weeks in motion list

NOTICE BEFORE ADMISSION

W.P.NO. 646 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 28-01-2015

NRR,J

DATE: 23-01-2015

**NOTE: List after three weeks
in motion list**

NOTICE BEFORE ADMISSION

W.P.NO. 646 OF 2015

DIRECTION