

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.18545/2016 & WMP No.16242/2016

Pukkathurai Plastic Amaippu Thozhilalar Nala Sangam
(Regn.No.204/KPM)

Rep.by its Joint Secretary,
No.611/1, Thirukazhukundram Road,
East Nagar, Karunkuzhi,
Madhuranthagam Taluk,
Kancheepuram District - 603303. Petitioner

Vs.

1. Government of Tamil Nadu
Represented by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.
2. The Assistant Commissioner of Labourt (Conciliation)-I,
Sipcot Complex, Irungkattukottai,
Sriperuputhur-600 108.
3. The Management,
INFRA Industries Limited,
S.No.147/2, No.8, G.S.T.Road,
Pukkathurai Village & Post,
Madhuranthagam Taluk,
Kancheepuram Dist. - 603 308. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to issue appropriate Writs, Orders or Directions and more particularly issue a Writ in the nature of mandamus, forbearing the 3rd respondent from altering the service conditions of the members of the Trade Union whose names and details is enclosed in the annexure to this petition including discontinuance/ transfer of their services or removing the materials, machinery or closing the factory or engaging the workers are not in the regular role or any act which will result in non-employment, without getting

prior permission from the 2nd respondent under Section 33 of the Industrial Disputes Act 1947 in the industrial dispute is proceedings No.Aa.1264/2015 raised by the petitioner Union dated 29.06.2015 regarding the charter of demands and further direct the 2nd respondent to conciliate and effect settlement under section 12(3) and if no settlement is forth coming to submit failure report under section 12(4) of the industrial disputes Act, 1947 and in turn direct the 1st respondent to refer the dispute for adjudication before the competent adjudicator.

For Petitioner : Mr.R.Sankara Subbu
for M/s.A.Suresh Sakthi Murugan

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader for R1
Mr.Dharani Chander for R3

O R D E R

This writ petition has been filed by the Union representing the workers forbearing the third respondent management from altering the service conditions of the members of the petitioner Trade Union or removing materials, machinery or closing the factory or engaging the workers who are not in the regular role and for other relief.

2. When the matter is called today, a joint memo of compromise has been filed by Mr.Sankara Subbu representing Mr.A.Suresh Sakthi Murugan, learned counsel appearing for the Petitioner and Mr.Dharani Chander representing third respondent management. The joint memo of compromise dated 12th August 2016 would reveal that the petitioner's Union and the third respondent management negotiated and arrived at 18 (1) settlement under the Industrial Disputes Act, 1947. As per the settlement, 19 workers in the third respondent management resigned the jobs and left their services after receiving the amount as full and final settlement. A copy of the 18 (1) settlement has also been filed alongwith the joint memo of compromise, duly signed by both the parties alongwith the Annexure-I which gives the details of the workmen, the amount received by the individual workmen as full and final settlement as their signatures.

3. In the result, the writ petition is disposed of in terms of the above settlement under Section 18 (1) of the Industrial Dispute Act. The settlement under Section 18 (1) of the Industrial Dispute Act shall form part of the order. No

costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kp/rgr

To

1.The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.

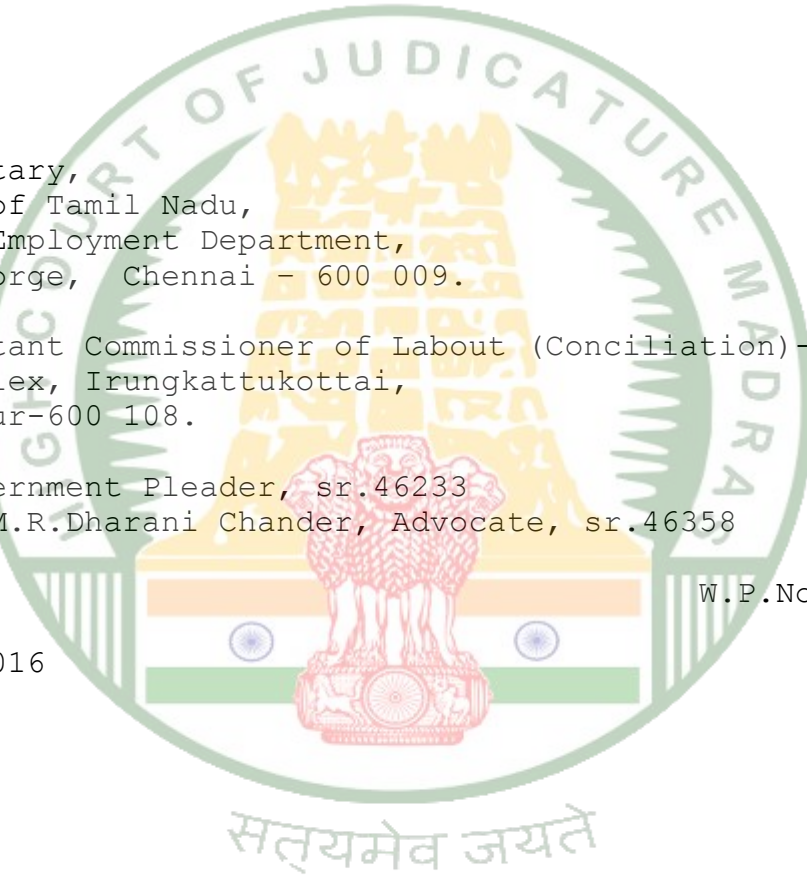
2.The Assistant Commissioner of Labout (Conciliation)-I,
Sipcot Complex, Irungkattukottai,
Sriperuputhur-600 108.

1 cc to Government Pleader, sr.46233

1 cc to Mr.M.R.Dharani Chander, Advocate, sr.46358

W.P.No.18545/2016

kra 17.08.2016



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