

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 07-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9026 OF 2015

Tamil Nadu General Workers Union,
NTPC Tamil Nadu Energy Company Employees Branch,
rep.by its General Secretary. Petitioner

-vs-

- 1.Government of Tamil Nadu,
rep.by its Secretary,
Labour and Employment Department,
Fort St.George,
Chennai-600 009.
- 2.The Assistant Commissioner of Labour (Conciliation 2),
3rd Floor, Kuralagam,
Chennai-600 108.
- 3.The Management
NTPC Tamil Nadu Energy Company Limited,
rep.by its Deputy General Manager,
(Human Resources),
Velivoyal Chavadi Post,
Ponneri Taluk,
Chennai-600 103.
- 4.The Management
Friends Engineering Works,
rep.by its Managing Director.
- 5.The Management
Utility Power Limited,
rep.by its Managing Director.
- 6.The Management,
S.S.Electronics,
rep.by its Managing Director.
- 7.The Management,
HDC Power System Private Limited,
rep.by its Managing Director.

- 8.The Management,
Lakshman Contractors,
rep.by its Managing Director.
- 9.The Management,
A.B.C.Engineering Works,
rep.by its Managing Director.
- 10.The Management,
Kala Contractors,
rep.by its Managing Director.
- 11.The Management,
Sri Shara & Company,
rep.by its Managing Director.
- 12.The Management,
Stalin Contractors,
rep.by its Managing Director.
- 13.The Management,
Krishna Enterprises,
rep.by its Managing Director.
C/o.NTPC TN Energy Co.Ltd
- 14.The Management,
Swaminathan Company,
rep.by its Managing Director.
C/o.NTPC TN Energy Co.Ltd
- 15.The Management,
Krishna Contractors,
rep.by its Managing Director.
C/o.NTPC TN Energy Co.Ltd
- 16.The Management,
Prasad ESP Contract,
rep.by its Managing Director.
C/o.NTPC TN Energy Co.Ltd
- 17.The Management,
Radha Engineering Works Private Limited,
rep.by its Managing Director.
C/o.NTPC TN Energy Co.Ltd ... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, forbearing the respondents 3 to 17 from altering the service conditions of the members of the petitioner union whose names are given in the Annexure to the Writ Petition in any manner including discontinuance of service or failing to provide employment in

any manner without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Disputes raised by the petitioner which is pending conciliation before the second respondent as dispute Na.Ka.No.A/1033/14, dated 22.12.2014, regarding the regularisation of the services of the employees and the charter of demands who are concerned in this writ petition, whose names are given in the annexure to the writ petition, raised through Petition dated 19.12.2014, and further direct the second respondent to conciliate and effect settlement and if no such settlement is forthcoming to submit failure report under Section 12 (4) of the Industrial Disputes Act and in turn direct the first respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.

For petitioner : Mr. Balan Haridas
For respondents 1 & 2 : Mr. R. Rajeswaran,
Spl. Govt. Pleader.

For respondent 3 : Mr. Mohan,
for M/s. King & Partridge.

For respondents
4, 6, 8 & 9 : Mr. Manoj Srivalsan
For respondent 5 : Mr. T. Srinivasan
For R10 to 17 : No Appearance

O R D E R

Petitioner has filed this Writ Petition to forbear the respondents 3 to 17 from altering the service conditions of the members of the petitioner union whose names are given in the Annexure to the Writ Petition in any manner including discontinuance of service or failing to provide employment in any manner without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Disputes raised by the petitioner which is pending conciliation before the second respondent as dispute Na.Ka.No.A/1033/14, dated 22.12.2014, regarding the regularisation of the services of the employees and the charter of demands who are concerned in this writ petition, whose names are given in the annexure to the writ petition, raised through Petition dated 19.12.2014, and further direct the second respondent to conciliate and effect settlement and if no such settlement is forthcoming to submit failure report under Section 12 (4) of the Industrial Disputes Act and in turn direct the first respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.

2. The case of the petitioner is that pending conciliation proceedings, their service conditions should not be altered.

3. It is submitted by the learned counsel for the petitioner as well as the learned counsel for the management that the second respondent is actively involved in conciliation and it is proceeding on day-to-day basis and that last hearing was on 04.03.2016 and the matter is to be heard shortly, and, as the officer is on leave, specific date has not been assigned.

4. In the light of the above facts and taking into consideration that there was an order of interim injunction restraining the respondents from altering the service conditions of the workmen concerned from 30.03.2015 onwards, this Court is of the view that it would be inequitable to change the status quo after nearly one year, when the conciliation is being proceeded with by the second respondent. Therefore, without expressing any opinion on the merits of the contentions raised by the petitioner union or the defence raised by the respondent management, there will be a direction to the second respondent to proceed with the conciliation and endeavour to bring about a workable solution, within a period of three months from the date of receipt of a copy of this order, failing which, submit a report of conclusion to the appropriate authority/government within a period of four weeks from the date on which the conciliation is concluded. Till such report is filed, the status quo with regard to the service conditions of the employees concerned, which was prevailing as on 30.03.2015, shall continue.

5. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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

2.The Assistant Commissioner of Labour (Conciliation 2),
3rd Floor, Kuralagam,
Chennai-600 108.

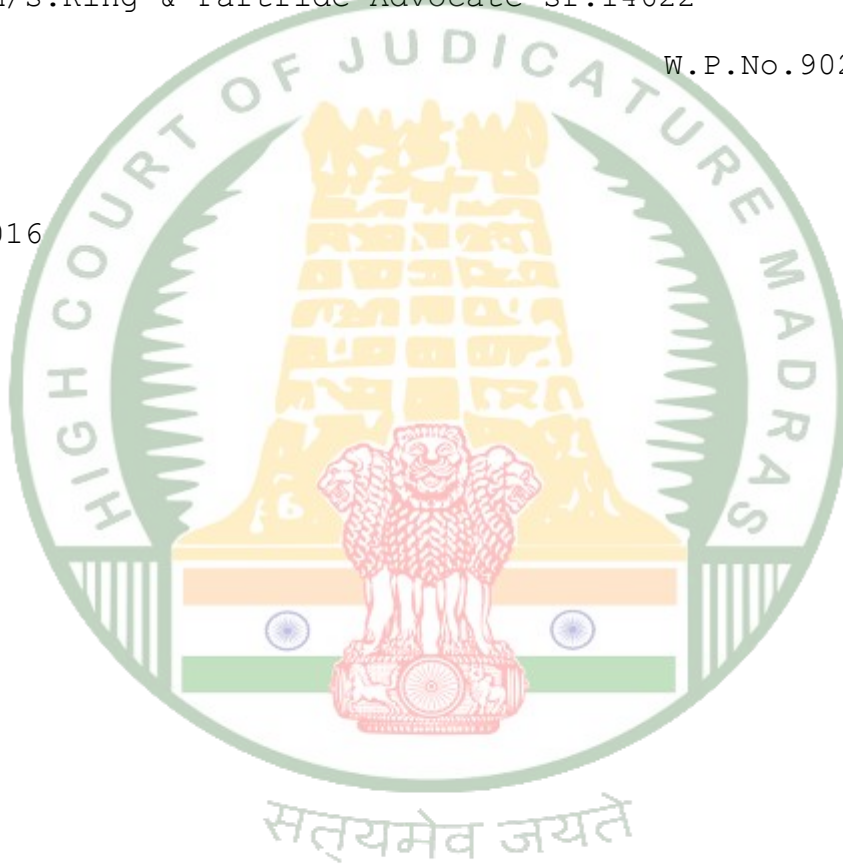
3.The Management

NTPC Tamil Nadu Energy Company Limited,
rep.by its Deputy General Manager,
(Human Resources),
Velivoyal Chavadi Post,
Ponneri Taluk,
Chennai-600 103.

+1 cc to Government Pleader sr.14978
+1 cc to M/s.Balan Haridoss Advocate sr.14784
+1 cc to Mr.Manoj Sreevalsan Advocate sr.14763
+1 cc to M/s.King & Partridge Advocate sr.14622

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