

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

W.P.No.29168 of 2016

Hindustan Teleprinters Employees Union
(Regn.No.3602/1963) represented by its
General Secretary Mr.R.Rajendran
HTL Limited
G.S.T.Road
Guindy
Chennai-600 032.

.. Petitioner

Vs.

1.Union of India
represented by its Secretary to Government
Ministry of Communication
Department of Telecommunication
Sanchar Bhavan
No.20, Ashoka Road
New Delhi-110 001.

2.The Government Director of HTL
Deputy Director General (IP)
Department of Telecommunication
Sanchar Bhavan
No.20, Ashoka Road
New Delhi-110 001.

3.The Chairman
HFCL, No.8 Commercial Complex
Masjit Moth
Greater Kailash II
New Delhi-110 048.

4.The Chief Operating Officer
HTL Limited, G.S.T.Road
Guindy, Chennai-600 032.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents herein to strictly adhere to the Memorandum of Settlement for Wage Revision, dated 30.03.2011 and not to discriminate between employees of the respondent Company for Rewards, Payment, Performance Linked Incentive, Selective Increment, etc., and to grant such further reliefs as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : M/s.G.Bala and Daisy

For Respondents: Ms.S.Meena Kumari
Central Govt. Standing Counsel
for R.1 and R.2

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents herein to strictly adhere to the Memorandum of Settlement for Wage Revision, dated 30.03.2011 and not to discriminate between employees of the respondent Company for Rewards, Payment, Performance Linked Incentive, Selective Increment, etc.

3. The case of the petitioner is that on 30.03.2011, the petitioner's Union and the Management of the respondent Company has entered into a Settlement under Section 12(3) of the Industrial Disputes Act, 1947, before the Deputy Labour Commissioner-I, Chennai, in respect of the wage revision, which is valid from 01.01.2010 to 31.12.2019. While so, on 16.06.2016, the HTL Management has passed an order approving Reward Payment to a particular section of employees in discriminatory manner. Similarly, on 19.07.2016, an order was passed, wherein the new entrants have been awarded exemplary increments. The petitioner's Union made a representation on 21.07.2016 expressing their legitimate grievance that the action of the respondents in treating the equals unequally is highly arbitrary, but, till date, no action has been taken. Hence, the present Writ Petition has been filed seeking the relief stated supra.

4. Ms.G.Bala, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if the respondents are directed to consider the representation of the petitioner, dated 21.07.2016, and to pass appropriate orders.

5. Ms.S.Meenakumari, the learned Central Government Standing Counsel, who took notice on behalf of the respondents, has got no serious objection in directing the respondents to consider the representation of the petitioner, dated 21.07.2016 and to pass appropriate orders, on merits and in accordance with law.

6. Considering the limited request made by the petitioner, this Court, without going into the merits of the claim made by the petitioner, directs the respondents to consider the representation of the petitioner, dated 21.07.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

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Index : Yes / No
Internet : Yes / No

22.08.2016

To

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