



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Fifth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice T.RAJA

WMP(MD) No.9444 of 2016
IN
WP(MD) No.18502 of 2015

BHARAT PETROLEUM CORPORATION LTD,
REP BY ITS TERRITORY MANAGER,
LPG BOTTLING PLANT,
MADURAI BY PASS ROAD, SIPCOT,
TUTICORIN-628008

... PETITIONER/PETITIONER/
PETITIONER

Vs

1 GOVERNMENT OF INDIA,
REP BY ITS SECRETARY,
MINISTRY OF LABOUR,
NEW DELHI

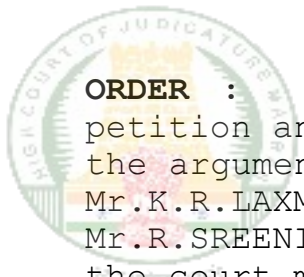
2 THE PRESENTING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT,
FIRST FLOOR, B WING, 26 HADDOWS ROAD,
SHASTRI BHAWAN, CHENNAI-600 006

3 THE GENERAL SECRETARY,
BHARAT PETROLEUM WORKERS UNION (CITU)
NO.16, MASILAMANIPURAM 3RD STREET,
TUTICORIN-628008

4 S.B.GUNA SINGH

... RESPONDENTS/RESPONDENTS/
RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to clarify that the order of status-quo granted on 12.10.2015 in MP No.2 of 2015 in WP No. 18502 of 2015 was with regard to the dispute pending before the second respondent Tribunal, that the second respondent may not proceed with the dispute in I.D.No.92 of 2015 till the disposal of the writ petition.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.S.GOPALAN, Advocate for the petitioner and of Mr.K.R.LAXMAN, Advocate for the respondent 1 & 2, and Mr.R.SREENIVASAN, for M/S.D.GEETHA, Advocate for third respondent, the court made the following order:-

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This petition has been filed seeking to clarify the order of status-quo granted on 12.10.2015, in M.P(MD)No.2 of 2015 in W.P(MD) No.18502 of 2015, with regard to the dispute pending before the second respondent Tribunal, so that the second respondent may not proceed with the dispute in I.D.No.92 of 2015.

2.The learned counsel appearing for the petitioner submitted that when the Writ Petition was filed by the Bharat Petroleum Corporation Limited questioning the order, dated 16.06.2015, issued by the first respondent referring the dispute to the second respondent for adjudication and to quash the same, this Court on 12.10.2015, ordered status-quo to be maintained with regard to the issue which is only dispute, but not employment. However, inadvertently, instead of mentioning the dispute, employment has been mentioned. The question of employment does not arise in this case.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4.*Prima facie*, this Court, is also able to find merits. Even in the ground (e), which is clearly mentioned in the affidavit that the second respondent has numbered the dispute as I.D.No.92 of 2015 and thereupon, directed the parties to file their pleadings. Therefore, the order of status-quo shall be applicable only with regard to the dispute, but not to the employment.

5.Accordingly, it is clarified that the Labour Court is directed to maintain status-quo with regard to the dispute. It is stated by both the parties that the workmen are working as contractor. Since the employees are all working, they will continue.

sd/-
05/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 GOVERNMENT OF INDIA,
REP BY ITS SECRETARY,
MINISTRY OF LABOUR,
NEW DELHI

2 THE PRESENTING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT,
FIRST FLOOR, B WING, 26 HADDOWS ROAD,
SHASTRI BHAWAN, CHENNAI-600 006

3 THE GENERAL SECRETARY ,
BHARAT PETROLEUM WORKERS UNION (CITU) NO.16,
MASILAMANIPURAM 3RD STREET,
TUTICORIN-628008

+ 1 CC TO M/S.P.MALINI, ADVOCATE IN SR No. 42726

ORDER
IN
WMP (MD) No.9444 of 2016
IN
WP (MD) No.18502 of 2015
Date :05/08/2016

PS

TE/SK-SKN/SAR-I : 19/08/2016 : 3P/5C