

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Second day of August Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S.M.SUBRAMANIAM

WMP NO.19383 OF 2017

IN WP.13281 OF 2017

PUTHIYA JANANAYAGA THOZHILALAR [PETITIONER]
MUNNANI TI METAL FORMING EMPLOYEES BRANCH,
REP.BY ITS SECRETARY, REGN. NO.43/TVR,
NO.110/63, N.S.K.SALAI, KODAMBAKKAM,
CHENNAI-600 024.

Vs

1 GOVERNMENT OF TAMIL NADU, [RESPONDENTS]
REP.BY ITS SECRETARY, LABOUR AND EMPLOYMENT,
FORT ST. GEORGE, CHENNAI-600 009.

2 THE ASSISTANT COMMISSIONER OF
LABOUR, (CONCILIATION-II), KURALAGAM,
CHENNAI-600 108.

3 THE MANAGEMENT
TI METAL FORMING, CHENNAI-THIRUVALLUR
HIGH ROAD, THIRUNINRAVUR,
THIRUVALLUR DISTRICT-602024.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

to amend the prayer as writ of Mandamus to forbear the 3rd respondent from altering the service conditions of the members of the petitioner Union as stated in the accompanying members list including discontinuance of their services or any act which will result in non-employment of them, without getting prior permission from 2nd respondent in terms of Section 33 of the Industrial Disputes Act, 1947 in the industrial dispute raised by the petitioner Union viz. Na. Ka. No. Aa/133/2017 pending on the file of the 2nd respondent and further direct the 2nd respondent to conciliate and effect settlement under Section 12 (3) and if no settlement is forthcoming to submit failure report under Section 12 (4) of the of the Industrial Disputes Act, 1947 to the 1st Respondent and in turn the 1st Respondent to refer the dispute for adjudication before the competent industrial Adjudicator and orders

or directions as this Honourable Court may deem fit and proper in the circumstances of the case instead of WRIT OF MANDAMUS to forbear the 3rd respondent from altering the service conditions of the members of the petitioner Union including discountinuanace of their services or any act which will result in non-employment of them, without getting prior permission from 2nd respondent under Section 33 of the Industrial Disputes Act, 1947 in the industrial dispute raised by the Petitioner Union viz, Na.ka.No.Aa/133/2017 pending on the file of the 2nd respondent and further direct the 2nd respondent adjudicator to complete the proceedings in a time stipulated limit and orders or directions as this Honourable Court in WMP.19383/17 in WP.No.1328/17.

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.A.SURESH SAKTHI MURUGAN, Advocate for the petitioner and of Mr.R.RAJESWARAN, Special Government Pleader for the 1st Respondent and Mr.ANAND GOPALAN FOR T.S.GOPALAN & CO for the 3rd respondent the court made the following order:-

The above petition for amendment is ordered as prayed for.

Post the petition for vacating interim order on 09.08.2017.

-sd/-
02/08/2017
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 GOVERNMENT OF TAMIL NADU,
REP.BY ITS SECRETARY, LABOUR AND EMPLOYMENT,
FORT ST. GEORGE, CHENNAI-600 009.

2 THE ASSISTANT COMMISSIONER OF
LABOUR, (CONCILIATION-II),
KURALAGAM, CHENNAI-600 108.

3 THE MANAGEMENT
TI METAL FORMING, CHENNAI-THIRUVALLUR
HIGH ROAD, THIRUNINRAVUR,
THIRUVALLUR DIST-602024.

C.C. to M/S.A.SURESH SAKTHI MURUGAN Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.19383/2017

in
WP.13281/2017

Date :02/08/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 07.08.2017