

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P. Nos. 19674 of 2013, 28077 of 2014
and 5294 of 2015
and

M.P.Nos.1 and 2 of 2013, 1 and 2 of 2015 and
W.M.P.No.18311 of 2016

Desia Podhu Thozhilalar
Oringinaippu, Labour Union,
Rep.by its General Secretary Petitioner in
W.P.Nos.19674 of
2013 and 28077
of 2014

Sodecia India Private Limited
rep. by its Manager - HR Petitioner in
W.P.No.5294 of 2015

Vs.

1. Government of Tamil Nadu,
rep. by its secretary,
Labour and Employment Department,
Fort St. George, Chennai - 9.
2. Assistant Commissioner of Labour
(Conciliation)-I,
SIPCOT Complex,
Irungattukottai,
Sri Perumbudhur - 600 117.
3. Management,
Sodecia India Private Limited,
Tapalmedu, Pukkathurai,
Kancheepuram District. Respondents in
W.P.No.19674 of
2013

1. Government of Tamil Nadu,
rep. by its secretary,
Labour and Employment Department,
Fort St. George, Chennai - 9.

2. Management,
Sodecia India Private Limited,
Tapalmedu, Pukkathurai,
Kancheepuram District. .. Respondents in
W.P.No.28077 of
2014

1. Government of Tamil Nadu,
rep. by its secretary,
Labour and Employment Department,
Fort St. George, Chennai - 9.

2. Assistant Commissioner of Labour
(Conciliation)-I,
SIPCOT Complex,
Irungattukottai,
Sri Perumbudhur - 600 117.

3. Desia Pudhu Thozhilalar Oringinaippu
rep. by its General Secretary

4. Joint Director,
Industrial Safety and Health,
Deputy Chief Inspector of
Factories, 2nd Street, 13/53
Dowlath Nagar, Chemmandalam,
Cuddalore.

.. Respondents in
W.P.No.5294 of
2015

Prayer in W.P.No. 19674 of 2013: Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, forbearing the third respondent from altering the service conditions of the members of the petitioner union whose names are given in the Annexure to the affidavit filed in support of 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 No. B/767/2013 regarding regularization of 149 daily wage employees, regarding the termination of 88 daily wage employees and regarding fixation of wages and further direct the second respondent to conciliate and effect settlement and if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act and in turn direct the adjudicator.

Prayer in W. P. No. 28077 of 2014: Writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified Mandamus to call for the concerned records from the first respondent, quash the G.O.(D) No. 265, Labour and Employment (A2) Department dated 30.06.2014 issued by the first respondent and consequently direct the first respondent to refer the demands declined to be referred in G.O.(D). No. 265, Labour and Employment (A2) Department dated 30.06.2014 for adjudication before the competent Industrial Adjudicator.

Prayer in W. P. No. 5294 of 2015: Writ petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records of the 4th respondent herein, pertaining to the order dated 27.11.2014, made in Case No.E/3091/2013, and consequential order dated 19.01.2015, and quash both of them.

For Petitioner : No appearance in
W.P.Nos.19674 of 2013 and 28077 of 2014
Mr.Srinath Sridevan in W.P.No.5294 of 2015

For Respondents :Mr.S.Diwakar,
Spl. Govt. Pleader for R1 and R2
in W.P.No.19674 of 2013
for R1 in W.P.No.28077 of 2014
for R1, R2 and R4 in
W.P.No.5294 of 2015
Mr.Srinath Sridevan
for R3 in W.P.No.19674 of 2013
for R2 in W.P.No.28077 of 2014
No appearance for R3 in W.P.No.5294 of 2015

COMMON ORDER

On the last occasion, the following order was passed:

"When the matter is taken up for hearing, the learned counsel for the petitioner in W.P.No.5294 of 2015 submits that change of vakalat has been given in W.P.No.19674 of 2013 and W.P.No.28077 of 2014. However, there is no change of vakalat filed till now. The learned counsel for the management would submit that for most of the employees settlement has been arrived at and pursuant to the same, they have given voluntary retirement from their respective service and they have received their benefits.

In such view of the matter, the Registry is directed to post the matter for orders on 27.03.2017 by printing the names of the respondents in W.P.No.5294 of 2015 and the petitioner in W.P.Nos.19674 of 2013 and 28077 of 2014."

2. Though the name of the contesting respondent has been printed in the cause list, none appears.

3. Learned Counsel appearing for the petitioner submits that all the members of the Union have given voluntary retirement by accepting 18(1) settlement. The voluntary retirement scheme inter se parties is also filed before this Court.

4. In such view of the matter, nothing survives in these writ petitions. Accordingly, these writ petitions are closed by recording the above said facts. The fact that the learned counsel for the Union has reported no instructions on the earlier occasion is once again recorded. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.
2. The Assistant Commissioner of Labour
(Conciliation)-I,
SIPCOT Complex,
Irungattukottai,
Sriperumbudur - 600 117.
3. The Joint Director,
Industrial Safety & Health,
Deputy Chief Inspector of Factories,
2nd Street, 13/53 - Dowlath Nagar,
Chemmandalam,
Cuddalore.

+1cc to Mr.Srinath Sridevan, Advocate, S.R.No.19831

+1cc to the Government Pleader, S.R.No.20220

WEB COPY

W.P. Nos. 19674 of 2013,
28077 of 2014
and 5294 of 2015

SSI (CO)

EU 21.4.17