

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.03.2017
CORAM
THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
Writ Petition No.7499 of 2016
and
W.M.P.No.6716 of 2016

Thennaga Thozhilalar Sangam rep. by
its President

... Petitioner

vs.

1.The State of Tamil Nadu rep. by its
Secretary,
Labour and Employment (A1) Dept.,
Fort St. George, Chennai - 9.

2.The Labour Officer 3,
Kuralagam, Chennai.

3.The Commissioner of Labour,
Teynampet, Chennai - 6.

4.The Dean and Director,
Padma Seshadri Bala Bhavan
Sr. Sec. School, Chennai - 34.

5.Padma Seshadri Bala Bhavan
Senior Secondary School,
No.29, Azhagiri Salai,
K.K.Nagar, Chennai - 78.

6.The Management of
M/s.Service Care Private Ltd.,
Chennai - 32.

7.The Management of
M/s.Citidale Enterprises Private
Ltd., Chennai - 18.

... Respondents

Writ petition filed under Article 226 of the
Constitution of India, praying for a Writ of certiorarified
mandamus to call for the records of the first respondent in
connection with the impugned order dated 03.11.2015 in G.O.(D)
No.600 and quash the same and direct the first respondent to
refer the demands by the workers for adjudication by the Labour
Court.

For Petitioner : Mr.S.Ravi
For Respondents : Mr.S.Diwakar,
Spl. Govt. Pleader for R1 to R3
Mr.N.B.N.Swamy for R4 & R5
Mr.G.Sugadev Rajaguru for R6

ORDER

The impugned order has been passed declining to refer the dispute raised by the petitioner to the jurisdictional Labour Court.

2.A perusal of the impugned order would show that absolutely no reason has been assigned on receipt of the failure report from the Conciliation Officer. The role of the first respondent is rather limited. It cannot go into the merits of the case as sought to be canvassed by the learned counsel for the sixth respondent. The question as to whether the members of the petitioner are working under the sixth respondent or respondents 4 and 5 is a matter to be decided by the Labour Court.

3.In such view of the matter, the impugned order is set aside. Consequently, a direction is issued to the first respondent to refer the dispute to the jurisdictional Labour Court within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते
-s/d-

Assistant Registrar(Csv)

True Copy

Sub-Assistant Registrar

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To

1.The Secretary to Government,
Labour and Employment (A1) Dept.,
Fort St. George, Chennai - 9.

2.The Labour Officer 3,
Kuralagam, Chennai.

3.The Commissioner of Labour,
Teynampet, Chennai - 6.

+1 cc to Mr.S.Ravi Advocate sr 19384

W.P.No.7499 of 2016

aa11/04/2017



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