



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2017

CORAM:

THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN

W.P.(MD)No.9453 of 2017

and

WMP.(MD)No.7189 of 2017

Defence Contract Labour Union,
Rep. By its Secretary.

...Petitioner

Vs.

1.Government of India,
Ministry of labour and employment,
Office of the chief labour commissioner,
Shram Shakthi Bhavan,
New delhi-110110.

2.The Assistant Labour commissioner(central),
Office of the Assistant Labour commissioner(central),
DA-2, BSNL STAFF Quarters,
Jaya Nagar,
Reddiarapalam,
Puducherry-605010.

3.The Ordnance Factory,
Trichy,
Rep. By its General Manager.

...Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus, to direct the Ordnance Factory, Trichy the 3rd respondent here in, to disperse the wage rate and provide holidays, hours of work, and other conditions of service to the members of the Defence Contract Labour Union similar to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work from the date of 23.01.2013 as per the office memorandum issued by the Government of India, Minister of Labour and Employment, Chief Labour Commissioner, the 1st respondent herein by his office memorandum vide File No.14 (1130Misc. RLC (Coord) 2012 dated 23.01.2013, as per the direction issued by the Assistant Labour Commissioner (Central) Puducherry the 2nd respondent herein dated 02.05.2017 and on the basis of the petitioner's representation dated 18.05.2017 within the time frame fixed by this Court.



For Petitioner : Mr.R.Rajaraman
For Respondents : Mr.P.Paulpandi
CG Standing Counsel

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ORDER

The petitioner seeks for a Writ of Mandamus to direct the Ordnance Factory, Trichy the 3rd respondent here in, to disperse the wage rate and provide holidays, hours of work, and other conditions of service to the members of the Defence Contract Labour Union similar to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work from the date of 23.01.2013 as per the office memorandum issued by the Government of India, Minister of Labour and Employment, Chief Labour Commissioner, the 1st respondent herein by his office memorandum vide File No.14 (1130Misc. RLC (Coord) 2012 dated 23.01.2013, as per the direction issued by the Assistant Labour Commissioner (Central) Puducherry the 2nd respondent herein dated 02.05.2017 and on the basis of the petitioner's representation dated 18.05.2017 within the time frame fixed by this Court.

2.The learned CG Standing Counsel takes notice for the respondents 1 and 2. By consent, the writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioner submitted that it would suffice if the representation of the petitioner is disposed of, on merits and in accordance with law, within a time frame to be fixed by this Court.

4.In view of the limited scope of the prayer, without going into the merits of the matter, the 3rd respondent is directed to consider the representation of the petitioner, dated 18.05.2017 by giving personal opportunity to the petitioner on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To

1.The chief labour commissioner,
Government of India,
Ministry of labour and employment,
Shram Shakthi Bhavan,
New delhi-110110.

2.The Assistant Labour commissioner(central),
Office of the Assistant Labour commissioner(central),
DA-2, BSNL STAFF Quarters,
Jaya Nagar,
Reddiarapalam,
Puducherry-605010.

3.General Manager,
The Ordnance Factory,
Trichy.

+1cc to M/s. R.RAJARAMAN Advocate in SR. No.57180

+1cc to M/s.P.PAUL PANDI Advocate in SR. No.57155

SM/TA/RR

JS/SV/SAR.4/30.05.2017/3P-6C

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