

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9127 of 2017

and

W.M.P.No.10052 of 2018

Tamil Nadu General Workers Union
Regn.No.289/CPT/1975
K.T.K.Thangamani Illam
2/1, Kovur Vaidyanathan Street
Chintadripet
Chennai - 600 002. ...Petitioner

vs

- 1.Government of India,
Rep.by its Secretary,
Ministry of Labour and Employment Department,
Rafi Marg, New Delhi.
- 2.The Assistant Labour Commissioner(Central)
DA 2, BSNL Staff quarters,
Jaya Nagar,
Reddiyarpalayam,
Puducherry 605 010.
- 3.Chief General Manager cum Zonal Director,
National Highway Authority of India,
Sri Tower, 2nd Floor
DP 34(SD) Industrial Estate
Guindy, Chennai - 600 032.
- 4.Trichy Tollway Private Limited,
No.6.3.1099/400, Plot No.105 'B' Block
1st Floor, Babukhan Millennium Centre,
Rajeev Bhavan Road,
Somajakuda, Hyderabad 500 082.
- 5.Management
Feedback Brisa OMT Highways Private Limited
15th Floor, Tower 9, P.T.L.F. Cyber City, Phase 3
Gurgaon, Haryana 122 002.

6.Management

Gowtham Detective & Security Service Private Limited
Head Office:No.5/2, G.S.T.Salai,
3rd Street, Kamatchi Colony
Tambaram Sanatorium
Chennai - 600 047.

7.Management,

Venkatesan Electricals
Perumathur Village & Post,
Kunnam Taluk,
Perambalur - 621 717.

8.LN Malviya Infra Project Limited
T 10, 3rd Floor, City Centre
Plot No.I, Above Vishal Mega Mart
Zone I,
Bhopal 462 001.
Madhya Pradesh

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents No.4 to 8 from altering the service conditions of the members of the petitioner union whose names are given in the Annexure to 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 dated 25.01.2015 raised by the petitioner union regarding regularization of the services of the 239 employees concerned in the dispute, which is pending conciliation before the 2nd respondent as M.8/1/2016.B2 and further direct the 2nd 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 1st respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.

For Petitioner : M/s.Balan Haridas

For Respondents : M/s.Inthu Karunakaran for R5
Mr.S.Karthick, Senior Counsel
for M/s.Sharulamarchand mangaldas
for R4

No appearance for R2, R3, R6 & R7

O R D E R

The learned counsel appearing on behalf of the writ petitioner filed an additional typed set of papers and it is admitted by the parties to this lis that the 12(3) settlement had already been signed between the Union of India and the Management on 03.11.2017.

2.The learned Senior Counsel appearing on behalf of the 4th respondent also states that all the issues were adjudicated and the settlement has been signed between the parties.

3.However, the learned counsel appearing on behalf of the writ petitioner states that the issue in relation to the regularization is still pending before the 2nd respondent/The Assistant Labour Commissioner(Central). If any such issue is pending, then the 2nd respondent is at liberty to conclude the same. If the issue raised has already been concluded, then the respective parties are at liberty to proceed with the 12(3) settlement already entered into. In respect of the maintainability raised by the learned Senior Counsel, all the issues are left open and the same can be raised in an appropriate proceedings.

4.With these observations, the writ petition stands closed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

kak
Index:Yes/No
Internet:Yes/No
Speaking Order/Non-Speaking Order

To

1.The Secretary,
Government of India,
Ministry of Labour and Employment Department,
Rafi Marg, New Delhi.

2.The Assistant Labour Commissioner(Central)
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Reddiyarpalayam,
Puducherry 605 010.

3.Chief General Manager cum Zonal Director,
National Highway Authority of India,
Sri Tower, 2nd Floor
DP 34(SD) Industrial Estate
Guindy, Chennai - 600 032.

+1cc to Mr.J.P.KARUNAKARAN, Advocate, S.R.No.32239

+1cc to Mr.BALAN HARIDAS, Advocate, S.R.No. 32129

W.P.No.9127 of 2017

TR(11/05/2018)



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