

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.40397 of 2006
and
M.P.Nos.1 of 2006

EID Parry Contract Thozhilalar Sangam,
Reg. No.896/NAT,
Rep. by its President V.Perumal,
No.8, Parry Nagar,
Ranipet. Petitioner

Vs.

1. The State of Tamil nadu,
Rep. by its Secretary,
Department of Labour and Employment,
Fort St. George,
Chennai - 600 009.
2. The Chief Inspector of Factories,
Chepauk,
Chennai - 600 005.
3. The Management,
M/s. Coramandel Fertilizers,
Gandhi Road,
Ranipet - 632 401. ... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of a Writ calling for the records relating to the impugned proceedings of the first respondent in Letter No.44689/J1/2005 - 4 dated 31.08.2006 quash the same and direct the respondents to give effect to the proceedings of the second respondent in oo4/24815/2004, dated 27.10.2004 by absorbing 66 contract employees as permanent workmen in the third respondent factory.

For Petitioner : No Appearance

For Respondents: Mr.K.Ravikumar,
Additional Government Pleader
for RR1 to 2

: Mr.Anand Gopalan
for T.S.Gopalan & Co for R3

O R D E R

The petitioner has filed this writ petition challenging the order of the first respondent in Letter No.44689/H1/2005 - 4 dated 31.08.2006 and seeking to quash the same and direct the respondents to give effect to the proceedings of the second respondent in 004/24815/2004, dated 27.10.2004 by absorbing 66 contract employees as permanent workmen in the third respondent factory.

2. The case of the petitioner is that the petitioner union filed the writ petition in W.P.No.19021 of 2001 seeking for abolition of contract labour in the first respondent company therein and to direct the fourth respondent therein not to issue licence to the first respondent therein to employ contract labour. This Court by an order dated 20.09.2002 dismissed the writ petition giving liberty to the petitioner to move the State Government for abolition of contract labour in terms of Section 10 (1) (2) of the Contract Labour (Regulation and Abolition) Act.

3. The petitioner union presented a petition on 18.10.2002 before the State Government seeking abolition of contract labour in the factory of the third respondent. Thereafter, on 14.10.2004, the Chief Inspector of Factories, Chennai, inspected the Factory and gathered the details of the employment of contract labourers. On 27.10.2004 the second respondent Chief Inspector of Factories sent a letter to the first respondent recommending to convert 66 contract employees out of the 126 contract employees as direct employees. However, no order was passed by the second respondent. Again the petitioner union filed the Writ petition in W.P.No.38018 of 2005 seeking for a direction to the second respondent to pass orders based on the inspection made by them. The said Writ petition was allowed on 31.03.2006. Thereafter, the first respondent has passed the impugned order stating that the activities like supply of sulphur to the melter from the sulphur bins, sieving of river sand, bagging, weighing and stitching of super-phosphate and the stocking of the bagged sulphur-phosphate in godown are outside

the ambit of the order passed by this Court in W.P.No.19021 of 2001 and therefore the question of abolition of contract labour in these activities does not arise for consideration. Challenging the said order, the present writ petition has been filed.

4. Mr.Anand Gopalan, learned counsel appearing for the third respondent submitted that after the filing of this writ petition, the matter was settled between the petitioner union and the third respondent management.

5. In view of the above, nothing survives for further adjudication in this writ petition. Accordingly, this Writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Department of Labour and Employment,
Fort St. George,
Chennai - 600 009.

2. The Chief Inspector of Factories,
Chepauk,
Chennai - 600 005.

+1cc to M/S.T.S.Gopalan & Co., Advocate Sr.32077

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srg 24/05/2018