

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-04-2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28539 of 2017

And

W.M.P.No.30674 of 2017

Tube Products of India IBP Podu Thozhilalargal Sangam,
Represented by its Secretary,
Regn. No.447/TVR,
26/22, Kullan Street,
Magalapuram,
Ambattur,
Chennai-600 098. Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai-600 009.
2. The Assistant Commissioner of Labour,
(Conciliation 2),
Kuralagam,
Chennai-600 108.
3. The Management,
Tube Products of India,
International Business Plant,
Avadi,
Chennai-600 054. Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of 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 writ petition in any manner including effecting recovery from the wages of the employees for not working on Sunday or engaging contract Labour/outsideers on Sunday for regular production work without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Disputes dated 9.8.2017 raised by the petitioner-Union regarding

the arbitrary action of the third respondent in changing the number of working days from 6 to 7 days in a week and introducing working on Sunday, which is pending conciliation before the second respondent as Dispute No.A/601/17 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 first respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.

For Petitioner : Mr.Balan Haridas

For Respondents-1&2 : Mr.J.Ramesh,
Government Advocate.

O R D E R

The relief sought for in this writ petition is to forbear the third respondent 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 effecting recovery from the wages of the employees for not working on Sunday or engaging contract Labour/outsideers on Sunday for regular production work without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the industrial disputes dated 9.8.2017 raised by the petitioner-Union regarding the arbitrary action of the third respondent in changing the number of working days from 6 to 7 days in a week and introducing working on Sunday, which is pending conciliation before the second respondent as Dispute No.A/601/17 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 first respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.

2. Though a larger relief is sought for in this writ petition, the learned counsel, appearing on behalf of the writ petitioner-Union, now restricted the prayer by stating that it is suffice if a direction is issued to the second respondent to proceed with the conciliation proceedings and pass orders on merits and in accordance with law.

3. It is an admitted fact that the conciliation proceedings in dispute No.A/601/17 are pending before the second respondent for adjudication. In the event of adjudicating the same by the second respondent, the petitioner-Union may get a remedy under law.

4. This being the factum of the case, this Court is of an opinion that to the extent of restriction of prayer now sought for by the petitioner-Union, the same is to be considered. Accordingly, the second respondent is directed to proceed with the conciliation proceedings initiated in Dispute No.A/601/17 and accordingly, take a decision and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Svn
To

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

2.The Assistant Commissioner of Labour,
(Conciliation 2),
Kuralagam,
Chennai-600 108.

+1cc to Mr.Balan Haridas, Advocate Sr.No.25902

KK(CO)
sm:20.4.2018

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