

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-07-2018

CORAM

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

W.P.No.33280 of 2015

and

M.P.No.1 of 2015

Puthiya Jananayaga Thozhilalar Munnani
(Regn.No.43/TVR),
ABREF Branch,
Represented by its Secretary,
No.104/2, Bajanai Kovil Street,
Athupakkam Village,
Thervazhi Post,
Gummidipoondi - 601 201. ... 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,
ABREF (P) Limited,
No.F-17, SIPCOT Industrial Estate,
Gummidipoondi - 601 201. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue of Writ of Mandamus, to forbear the third respondent-Management from altering the service conditions of the members of the petitioner-Union whose names are annexure to this petition in any manner including discontinuance of their services, engaging outsiders in the production activities or removing the materials, machinery or closing the factory or any act which will make result in non-employment to them, without getting prior permission under Section 33 of the Industrial Disputes Act, 1947 in the industrial dispute raised by the petitioner-Union dated 21.8.2015 questioning the lay-off which

are pending conciliation before the second respondent and further direct the Conciliation Officer viz., second respondent to conciliate and effect settlement under Section 12(3) and if no settlement is forth coming to submit failure report under Section 12(4) of the Industrial Disputes Act, 1947 and in turn direct the first respondent to refer the dispute for adjudication before the competent adjudicator.

For Petitioner : Mr.S.Parthasarathi
For Respondents-1&2 : Mr.M.Elumalai,
Government Advocate.
For Respondent-3 : Mr.Ravi for
M/s.Gupta and Ravi

O R D E R

In view of the endorsement made by the learned counsel appearing on behalf of the writ petitioner, the writ petition stands dismissed as infructuous. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

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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.Gupta & Ravi, Advocate SR.No.47958
+1cc to Government Pleader SR.No.48471

W.P.No.33280 of 2015

KS(CO)
GN(01/08/2018)