

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.9894 of 2015
and M.P.1 of 2015 and
W.M.P.No.23476 of 2016

Puthiya Jananayaga Thozhilalar Munnani,
Hosur Weg Industries (India) Pvt.Ltd Branch,
Rep. by its Treasurer,
Regn.No.24/KRI,
L-416, Old HUDCO, Hosur,
Hosur - 635 109

....Petitioner

Vs.

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

2.The Labour Officer (Conciliation),
Krishnagiri

3. The Management,
Weg Industries (India) Private Ltd.,
Plot No.E20, Moranapalli Village,
SIPOT-II, Hosur - 635 109

... Respondents

PRAYER

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus to forbear the third respondent from altering the service conditions of the members of the Trade Union whose names and details are enclosed in the annexure to this petition including discontinuance / transfer of their services or any act which will result in non-employment, without getting prior permission from the second respondent under Section 33 of the Industrial Disputes Act, 1947 in the industrial dispute viz., Na.Ka.No.308/2014 raised by the Petitioner Union regarding charter of demands, and further the first respondent to refer the dispute for adjudication before the competent adjudicator.

For Petitioner : MS.S.Parthasarathi
For RR1 & 2 : M/s.A.Sri Jayanthi,
Special Government Pleader
For RR3 : Mr.Sanjay Mohan for
M/s.S.Ramasubramaniam
Associates

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 member of the Trade Union whose names and details are enclosed in the annexure in the writ petition including discontinuance / transfer of their services or any act which will result in non employment, without getting prior permission from the second respondent under Section 33 of the Industrial Disputes Act, 1947 in the industrial dispute in Na.Ka.No.308 of 2014 raised by the Petitioner Union regarding charter of demands and further the first respondent to refer the dispute before the competent adjudicator.

2. The learned counsel appearing for the third respondent brought to the notice of this Court that the Management had already terminated 18 employees even at the time of filing writ petition itself and subsequently 12(3) settlement also had been entered into between one of the Unions and the Management on 30.04.2018.

3. The learned counsel appearing on behalf of the writ petitioner further stated that all the issues are now pending in I.D.No.34 of 2015 and I.D.No.45 of 2015 on the file of the Industrial Tribunal, Chennai. Since the matter is pending for the past three years, the Industrial Tribunal is requested to expedite the matter for early hearing. This apart, the relief as such sought for against the third respondent cannot be granted in this writ petition without exhausting the remedies available to the workmen under the provisions of the Industrial Disputes Act, 1947. Admittedly, the proceedings are pending before the Labour Court. On a reference, the writ petitioner Union also had filed petitions and they have stated so in the prayer itself.

4. This being the factum of the case, the writ petition is premature and the relief sought for at this juncture cannot be considered by this Court under Article 226 of the Constitution of India and it is left open to the writ petitioner Union to adjudicate their grievances before the appropriate court in the manner known to law.

5. With these observations, the writ petition stands dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msv/lok

To

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

2.The Labour Officer (Conciliation),
Krishnagiri

+1cc to M/s.S.Ramasubramaniam & Associates in sr.no.34881
+1cc to Government Pleader in sr.no.35335

W.P.No.9894 of 2015
and M.P.1 of 2015 and
W.M.P.No.23476 of 2016

nr 13/06/2018

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