

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.31045 of 2018

and

W.M.P.No.36225 of 2018

M/s.Racy Projects,
Rep.by its Partner,
Mr.Korpu Venkata Vishnu
Ravindranath Chowdary

... 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, Reddiarpalayam,
Pondicherry - 605 010.

3.Tamil Nadu General Workers Union,
2/1, Kovur Vaithinadan Street,
Chintadripet,
Chennai 600 002.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the First and Second Respondents to forbear the Third Respondent Union from conducting strike during the pendency of the conciliation proceeding before the Second Respondent and pass such further orders.

For Petitioner : Mr.Inthu Karunakaran

For Respondent : Mr.J.Madana Gopal Rao,
SCGC for R1

Mr.J.Kumaran
Addl. Govt. Pleader(P) for R2

Mr.Balan Haridass for R3

O R D E R

This Writ Petition is filed to direct the First and Second Respondents to forbear the Third Respondent Union from conducting strike during the pendency of the conciliation proceeding before the Second Respondent.

2. The learned counsel for the 3rd Respondent has filed counter affidavit and drew the attention of this Court to paragraph Nos. 9 and 12, wherein it is stated as follows :

"9. It is submitted that the Respondent Union and its members have no intention of going in for any protest or strike. They also not indulged any slogan shouting or slow down or cause any disturbance to the smooth passage of vehicles or any hindrance to the public in any manner. The Union or its members have not hoisted any flag or disturbed the toll operation or caused any hardship to anybody or cause any financial loss or loss of reputation etc., in any manner. Even the affidavit filed in support of the writ petition only makes sweeping statement without giving any details. This is so because no such incident happened. The intention of the petitioner is to get the gag order and silence the employee and deal with the employees in its own term. As such without any cause of action, the writ petition has been filed by making false claims. On that ground alone the writ petition is liable to be dismissed.

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12. The various grounds raised by the petitioner are untenable. The protest notice for holding the protest on 20.11.2018 has become infructuous and the Respondent Union has no intention to go on any strike or hold any protest. The Respondent Union has raised dispute and will resolve the demands through the Settlement or by adjudication by the Industrial Adjudicator. Therefore no inconvenience will be caused to the public, passengers and no hindrance will be caused for the movement of any vehicle. The Respondent Union has never gone on any strike and it has no intention to go on strike."

3. In the light of the above statement made by the 3rd respondent in the counter affidavit of the 3rd respondent, no further adjudication is required in this writ petition.

Therefore, recording the same, the Writ Petition is dismissed.
Consequently, the connected Miscellaneous Petition is closed.
No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr / jas

To

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

2.The Assistant labour Commissioner (Central),
DA -2, BSNL Staff Quarters,
Jaya nagar, Reddiarpalayam,
Pondicherry - 605 010.

+1 cc to M/s.Inthu Karunakaran, Advocate Sr.No.82284

+1 cc to M/s.Balan Haridass, Advocate Sr.No.82179

+1 cc to M/s.J.Madana Gopal Rao, Advocate Sr.No.81688

W.P.No.31045 of 2018

and

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CNR (CO)
CSL/09.01.2019

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