

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.Nos. 1399 & 1400 of 2013

And

M.P.Nos. 1 to 3 & 1 to 3 of 2013

Neyveli Lignite Corporation Limited.,
Represented by its General Manager (HR)
Neyveli - 607 801.

... Appellant/Petitioner/Petitioner in all W.As.

Vs.

1. The General Secretary
NLC Workers Progressive Union
(THO MU SA), D-50, Anna Road,
Neyveli - 607 803.
2. The Secretary
NLC Anna Workers & Staff Union (ATP)
D-3, Diamond Street,
Block - 17, Neyveli - 607 801.
3. The General Secretary
NLC Pattali Thozhil Sangam (PTS)
D-10, K.N.Subburaman Salai
Block-18, Neyveli - 607 801.
4. The General Secretary
CITU - NLC Labour & Staff Union
Block -24, Neyveli - 607 801.
5. The General Secretary
NLC Thozhilalar Viduthalai Munnani (LLF),
D-14, Alwaye Raod, Neyveli - 607 801.
6. The General Secretary
HMS-NLC Labour & Staff Union
D-138, Anna Road, Block - 18, Neyveli - 607 801.

7. The General Secretary
Neyveli National Workers & Staff Union (INTUC)
D-12, Mahathma Gandhi Road
Block -24, Neyveli -607 801.
8. The General Secretary
Nlc Labour and Staff Progressive Union (MLF)
D-16, U.V.Swaminatha Iyer Road,
Block -24, Neyveli - 607 801.
9. The General Secretary
NLC National Trade Union (NTU)
(Regn. No. SAT/180)
Sathiyamurthy Bhavan
Block-11, Neyveli - 607 803.
10. The General Secretary
NLC United Workers Union (AITUC)
D-13, Mahatma Gandhi Road
Block - 24, Neyveli - 607 801.
11. The General Secretary
NLC Mazdoor Sangh (BMS)
D-24, Perumal Koil Street
Block - 27, Neyveli - 607 801.
12. The General Secretary
NLC Workers Solidarity Union (DTUC)
A-2, Scew Lane,
Block -11, Neyveli - 607 803.
13. The General Secretary
NLC Thozhilalar Ottrumai Maiyam (AIUTC)
36, Haja Lane, Gangaikondan,
Neyveli - 607 802.
14. The General Secretary
NLC Desiya Murpokku Thozhilalar Samngam (DMTU)
281-F, Type-1, Block 29
Neyveli - 607 807.
15. The General Secretary
NLC Moovendar Thozhir Sangam (MTU)
B-2, Cot Street, Block -3, Neyveli - 607 801.
16. The General Secretary
Tho Va Sangam
Neyveli.

17. The General Secretary
NLC Jeeva Oppantha Thozhilalar Sangam
D-13, Mahatma Gandhi Road
Block - 24, Neyveli - 607 801.
18. The Assistant Labour Commissioner (Central)
DA-2, BSNL Staff Quarters, Jaya Nagar
Reddiarpalayam, Puducherry - 605 010.

Respondents/ Respondents/Respondents
in all W.As.

Writ Appeals filed under Clause 15 of Letters Patent against the orders dated 02.07.2013 passed by the learned Single Judge made in M.P.Nos. 1 and 2 of 2013 in W.P.No. 17901 of 2013.

Prayer in MP.No. 1/2013 in WP.No. 17901 of 2013: To pass an ad interim injunction forbearing the members of the respondents 1 to 17 from indulging in any mode of agitation either within or at the gates or in the vicinity of the installations of the petitioner corporation which disrupts or has the potential to disrupt the mining and generation activities of the petitioner corporation being a public utility service pending disposal of the Writ Petition.

Prayer in Mp.No. 2/2013 in WP. 17901 of 2013: To pass an ad interim injunction forbearing the members of the respondents 1 to 17 from preventing by threats intimidation or otherwise free ingress and egress and to the willing workers/officers/executives of the petitioner corporation, being public utility service, for attending to their work/ shift/ duty pending disposal of the Writ Petition.

Prayer in WP.No. 17901 of 2013: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Forbearing the respondents 1 to 17 from indulging in any mode of agitation either within or at the Gates or in the vicinity of the installations of the petitioner corporation being a public utility service which disrupts or has the potential to disrupt the mining and generation activities of the petitioner corporation or preventing by threats intimidation or otherwise free ingress and egress to the willing workers/ officers/executives of the petitioner corporation being a public utility service for attending to their work/ shift/ duty or otherwise

For Appellant in all

W.As.

:

Mr. G.Masilamani
Senior Counsel

for M/s. P.B.Benjamin George

C O M M O N J U D G M E N T
(Delivered by DR.VINEET KOTHARI, J)

The Writ Appeals were filed by the Management of Neyveli Lignite Corporation Ltd., against the NLC Workers Progressive Union against the Interlocutory Orders by the learned Single Judge in pending W.P.No. 17901 of 2013 which was filed by the Management against the notice of strike given by the Workmen Union. The learned Single Judge merely issued to the respondent Workmen. The Management has filed the present Writ Appeals against the said Interlocutory Orders of the learned Single Judge. After hearing both sides, the Division Bench of this Court passed the following Order on 3rd July 2013 which effect is still continues:-

"6. Taking into consideration the entire facts and circumstances of the case, we hereby issue notice to the respondents 1 to 17 and restrain them from going on indefinite strike from the midnight of 3rd July, 2013/04th July 2013 or any date thereafter, till the proceedings before the Conciliation Officer are concluded.

7. Issue notice to respondents 1 to 17 returnable by two weeks. Private Notice is also permitted."

2. Since the matter is admittedly pending before the learned Single Judge and now certain further developments are said to have taken place, we are not inclined to keep the present Writ Appeals pending here and therefore, with a direction that the Interim Orders granted by the Co-ordinate Bench on 03.07.2013 will continue till the Writ Petition itself is disposed of by the learned Single Judge, we dispose of the Writ Appeals by remitting the matter back to the learned Single Judge with a request for expeditious disposal of the Writ Petition. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsg

TO

1. The General Manager,
Neyveli Lignite Corporation Limited,
Neyveli 607 801.
2. The Assistant Labour commissioner (Central)
DA - 2, BSNL Staff Quarters,
Jaya Nagar, Reddiyarpalayam,
Puducherry 605 010.

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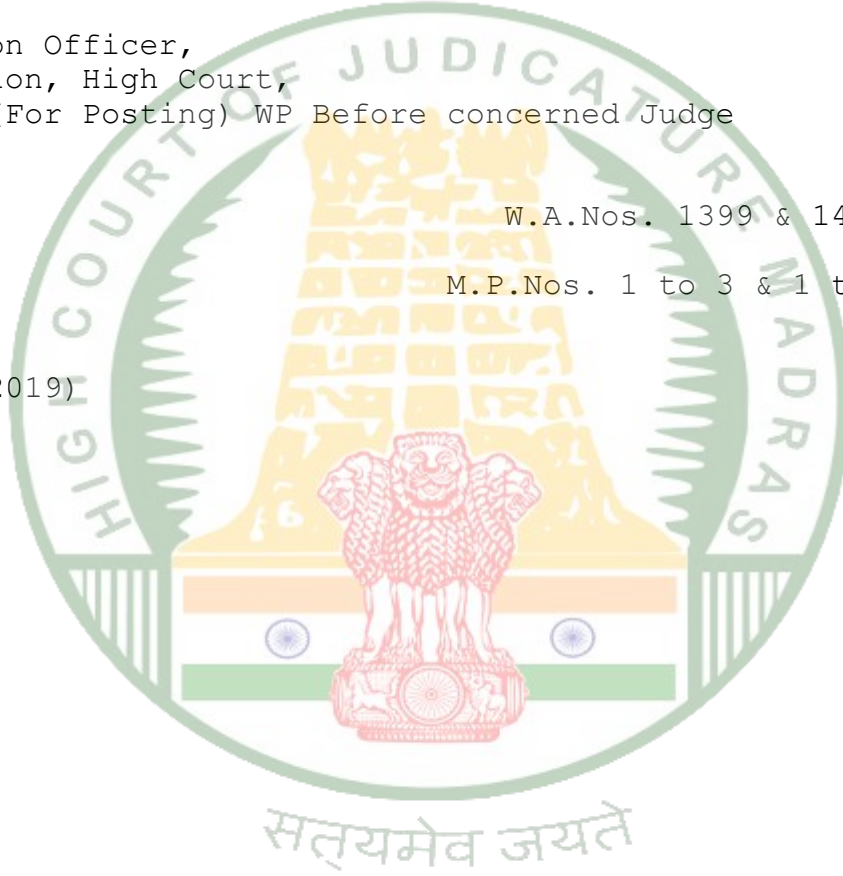
The Section Officer,
Writ Section, High Court,
Madras. (For Posting) WP Before concerned Judge

W.A.Nos. 1399 & 1400 of 2013

And

M.P.Nos. 1 to 3 & 1 to 3 of 2013

SKV(CO)
GN(29/07/2019)



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