

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.09.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.477 of 2010
and
M.P.No.1 of 2010

Tamil Nadu Thiraiyarangu Thozhilalaragal Sangam,
Reg.No.3260/CNI, Rep by its Secretary,
187, East Namachivayapuram, Choolai medu,
Chennai - 94.

... Petitioner

..Vs..

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Department of Labour & Employment,
Fort St.George, 7th Floor, Chennai - 600 009.
- 2.The Commissioner of Labour,
4th Floor, DMS Compound,
DMS Compound,
Teynampet, Chennai - 600 006.
- 3.The Deputy Commissioner of Labour I,
Office of the Commissioner of Labour,
4th Floor, DMS Compound, 2nd Floor,
Teynampet, Chennai - 600 006.
- 4.The Labour Officer - II (Conciliation Officer),
Kuralagam, 3rd Floor, Chennai - 600 108.
- 5.M/s.TNK Govindraju Chetty & Co.Pvt.Ltd.,
Proprietor, Devi, Devi Paradise,
Devi Bala and Devi Kala Theatres,
T.N.K.House, 48, Anna Salai, Chennai - 600 002.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the action of the 5th respondent management in altering the service condition is illegal, contrary to the provisions of the ID Act 1947, violation of the Article 21 of the Constitution of India and to restore the service conditions as was in prevalent prior to 17.10.2009, not to effect any change in service conditions

except by means of a settlement or an award or by giving a notice under Section 9A, complying with the provisions of Section 33 of the ID Act, 1947.

For Petitioner : Ms.C.S.Monica

For Respondents : Mr.D.Raghu, GA (For R.1 to R.4)
Mr.M.R.Dharanchandar (for R.5)

O R D E R

The present writ of declaration is filed to declare that the action of the 5th respondent in altering the service condition is illegal, contrary to the provisions of the ID Act 1947, violation of the Article 21 of the Constitution of India and to restore the service conditions as was in prevalent prior to 17.10.2009.

2. On account of efflux of time, the service conditions under went many changes and as well as the learned counsel for the respondent states that the cause aroused for filing of the present writ petition did not exist as of now. This apart, in respect of the provisions of the Industrial Disputes Act, the writ petitioner has to raise a dispute before the Competent Forum under the provisions of the Act. Without exhausting the remedy provided under the Industrial Disputes Act, the present writ petition cannot be entertained. Thus, the writ petitioner has to approach the Competent Authority for the purpose of redressal of his grievances, if any such grievance exist as of now. Thus, the writ petitioner is at liberty to approach the Competent Forum, in respect of the grievance now raised in the present writ petition and only after exhausting the remedy, he can approach the higher Courts.

3. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CJ Conf)

//True copy//

Sub Assistant Registrar

Pns

To

1. The Principal Secretary,
The State of Tamil Nadu,
Department of Labour & Employment,
Fort St.George, 7th Floor, Chennai - 600 009.

2.The Commissioner of Labour,
4th Floor, DMS Compound,
DMS Compound,
Teynampet, Chennai - 600 006.

3.The Deputy Commissioner of Labour I,
Office of the Commissioner of Labour,
4th Floor, DMS Compound, 2nd Floor,
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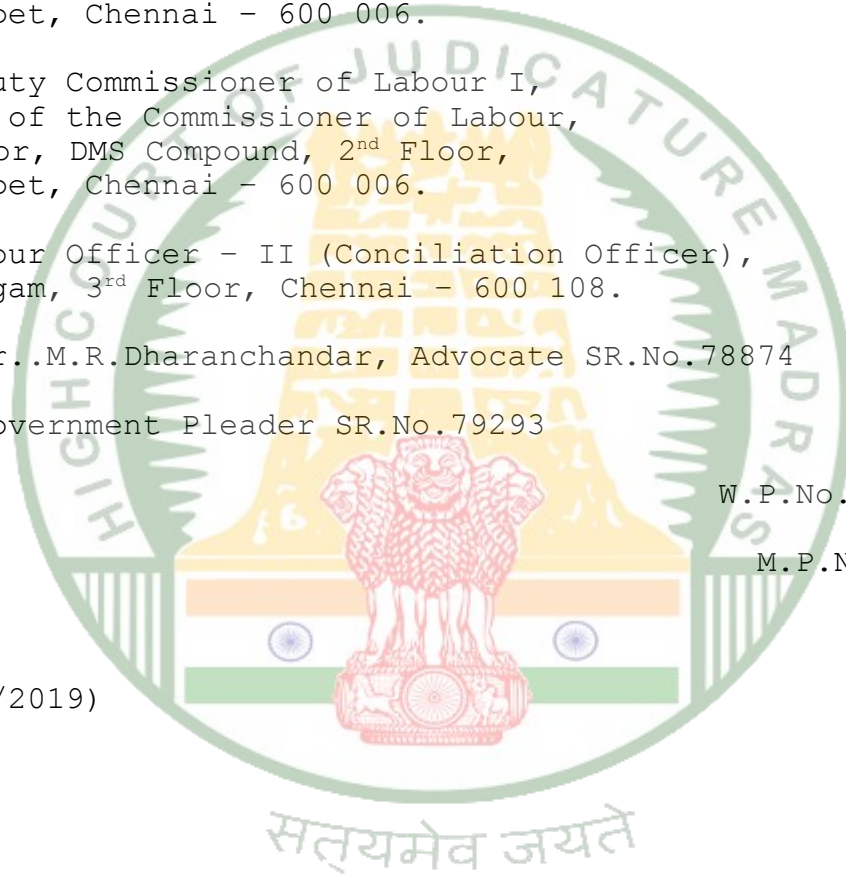
4.The Labour Officer - II (Conciliation Officer),
Kuralagam, 3rd Floor, Chennai - 600 108.

+1cc to Mr..M.R.Dharanchandar, Advocate SR.No.78874

+1cc to Government Pleader SR.No.79293

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and
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MR(CO)
GMY(11/10/2019)



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