

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

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

W.P.NO.31503 OF 2013

AND

M.P.NO.1 OF 2013

Puthiya Jananayaga Thozhilalar Munnani
Dalmia Branch,
Regn.No.43/TVR,
Kacheri Street, Perumpedu Panchayat,
Ponneri Taluk,
Tiruvallur District 601 204.

..Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Labour and Employment Department,
Fort St.George,
Chennai 600 009.
2. Assistant Commissioner of Labour (Conciliation) 2,
Kuralagam, Chennai 600 108.
3. Management,
Dalmia Laminators Ltd,
Plot No.89 to 93 & 104 ETIT SIPCOT
Industrial Estates,
Gummidipoondi 601 201,
Tiruvallur District.

..Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 3rd respondent from altering the service conditions of the members of the petition union whose names are given in the Annexure to the affidavit filed in support of the writ petition in any manner including discontinuance of service or refusing to provide employment in any manner without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the industrial Disputes raised by the petitioner which is pending conciliation before the 2nd respondent as dispute No.661/2013 regarding charter of demands and further direct the 2nd respondent to conciliate and effect settlement and if no

settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act and in turn direct the 1st respondent to refer the dispute for adjudication before the competent industrial Adjudicator.

For Petitioner : Ms.S.Sakila for
Mr.Balan Haridas

For Respondents : Mr.J.Ramesh,
Additional Government Pleader,
for R1 & R2

Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co for R3

O R D E R

The present writ petition has been filed seeking a writ of Mandamus, forbearing the 3rd respondent from altering the service conditions of the members of the petitioner union whose names are given in the Annexure to the affidavit filed in support of the writ petition in any manner including discontinuance of service or refusing to provide employment in any manner without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the industrial Disputes raised by the petitioner which is pending conciliation before the 2nd respondent as dispute No.661/2013 regarding charter of demands and further direct the 2nd respondent to conciliate and effect settlement and if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act and in turn direct the 1st respondent to refer the dispute for adjudication before the competent industrial Adjudicator.

2.In respect of first portion of the prayer in the writ petition, this Court is of the opinion that no such direction as such sought for can be granted against the third respondent, who is a private employer, in respect of the grievance of the writ petitioner association. They have to redress their grievances by following the procedures contemplated under Section 13(A) of the Industrial Disputes Act. Thus, no relief of direction can be granted against the third respondent, private employer in the present writ petition filed under Article 226 of the Constitution of India.

3.With reference to the second portion of the prayer to direct the second respondent to dispose of the pending conciliation, the learned counsel appearing on behalf of the third respondent brought to the notice of this Court that the

conciliation proceedings which was pending before the second respondent at the time of filing of the writ petition in dispute no.661 of 2013 was disposed of and the conciliation is not open as of now. This being the factum, the writ petitioner is at liberty to redress their grievances in the manner known to law and by following the procedures contemplated. With this liberty, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

tsg

To

1. The Secretary,
The 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 the Government Pleader, S.R.No.98601

W.P.No.31503 of 2013
and
M.P.No.1 of 2013

MP(CO)
CS/30/01/2020

सत्यमेव जयते

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