

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.06.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.10071 of 2019 and
W.M.P.No.10643 of 2019

State Transport Employees
Federation (CITU)
Rep. By its General Secretary
No.52, Cooks Road,
Chennai - 12.

... Petitioner

Vs.

1. Government of Tamil Nadu
Rep. By its Additional Chief Secretary,
Transport Department,
Fort St. George, Chennai - 9.
2. The Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 9.
3. The Special Deputy Commissioner
Labour (Conciliation)
O/o The Commissioner of Labour
DMS Compound, Teynampet,
Chennai - 6.
4. State Express Transport Corporation Ltd.,
Rep. By its Managing Director,
Thiruvalluvar Illam
Pallavan Salai, Chennai - 2.
5. Metropolitan Transport Corporation Ltd.,
Rep. By its Managing Director,
Thiruvalluvar Illam, Pallavan Salai, Chennai - 2.
6. Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
Rep. By its Managing Director,
No.3/137, Salamedu, Villupuram.

7.Tamilnadu State Transport
Corporation (Salem) Ltd.,
Rep. By its Managing Director
No.12, Ramakrishna Road, Salem - 7.

8.Tamilnadu State Transport
Corporation (Coimbatore) Ltd.,
Rep. By its Managing Director,
37, Mettupalayam Road, Coimbatore - 43.

9.Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. By its Managing Director
Railway Station Road, Kumbakonam.

10.Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Rep. By its Managing Director,
Bypass Road, Madurai -10.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd respondent to take up the complaints filed by the petitioner Federation, constituent unions of his Federation and to the Joint Action Committee on 07.01.2019, 11.1.2019, 12.01.2019, 26.02.2019, 27.02.2019, 28.02.2019, 01.03.2019 and 04.03.2019 for conciliation, along with the conciliation proceedings already initiated in Letter No.C1/021891/2018, based on the two strike notices dated 5.6.2018 and 8.10.2018 issued by the petitioner Federation and the strike notices issued by other unions and to initiate action against the Respondents 4 to 10 and their officials for violating the advice of status quo given by her on 8.6.2018 and 14.6.2018, under section 31 of the I.D. Act for such violations and to bring a fair and amicable settlement on the demands covered by the strike notices and the complaints, within a specified time, and to submit failure report to the 2nd Respondent within a stipulated time, if there is no possibility for any such fair and amicable settlement and direct the 2nd respondent to refer the disputes and complaints for adjudication to the Labour Court/Tribunal as per second proviso to Section 10(1) of the I.D. Act, within a specified time, award costs.

For Petitioner : Mr.V.Ajoy Khose for Mr.R.Krishnaswamy

For RR 1 to 3 : Mr.J.Pothiraj
Special Government Pleader

For 8th Respondent : Mr.R.S.Selvam

For RR 4 to 7, 9 &10 : Mr.Rajeni Ramdass

ORDER

When the matter is taken up for hearing, the learned counsel for both the petitioner as well as the respondent Corporation would submit that despite several rounds of talks held during the Conciliation before the 3rd respondent, the matter has not reached finality.

2.According to the learned counsel for the petitioner, the Union has raised charter of demands and in respect of the said demands, the Conciliation Officer was approached. Despite several hearings took place on several dates viz., 07.01.2019, 11.01.2019, 12.01.2019, 26.02.2019, 27.02.2019, 28.02.2019, 01.03.2019 and 04.03.2019, no finality has been reached in the matter. Therefore, both the learned counsels would urge this Court to direct the 3rd respondent to complete the Conciliation proceedings and get the dispute resolved within a time to be stipulated by this Court.

3.In view of the submissions made by both the learned counsels appearing for the petitioner Union as well as the Corporation, the Writ Petition is disposed of, without expressing any opinion on the various issues raised in the Writ Petition, as follows:

(i) The 3rd respondent is directed to complete the Conciliation process as between the petitioner and the respondent Corporation within a period of four weeks from the date of receipt of a copy of this order and on completion of the Conciliation, shall submit a report to the Government.

(ii) In view of the pendency of the dispute for a quite some time, the 3rd respondent shall ensure that the completion of Conciliation and submission of the report to the Government within the time stipulated by this Court.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The Additional Chief Secretary,
Government of Tamil Nadu
Transport Department,
Fort St. George, Chennai - 9.
- 2.The Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 9.
- 3.The Special Deputy Commissioner
Labour (Conciliation)
O/o The Commissioner of Labour
DMS Compound, Teynampet,
Chennai - 6.
- 4.The Managing Director,
State Express Transport Corporation Ltd.,
Thiruvalluvar Illam
Pallavan Salai, Chennai - 2.
- 5.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Thiruvalluvar Illam, Pallavan Salai, Chennai - 2.
- 6.The Managing Director,
Tamilnadu State Transport
Corporation (Villupuram) Ltd.,
No.3/137, Salamedu, Villupuram.

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Railway Station Road, Kumbakonam.

10.The Managing Director,
Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Bypass Road, Madurai -10.

11.The Government Advocate
High Court, Madras.

+1cc to Mr.S.Rajeni Ramadass, Advocate Sr.53962
+1cc to Mr.R.S.Selvam, Advocate Sr.53916
+1cc to Mr.V.Ajay Khose, Advocate Sr.53779

W.P.No.10071 of 2019

sv[co]
srg 13/08/2019

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