

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Writ Appeal No.3405 of 2019 and C.M.P.No.21916 of 2019

CMRL Employees Union
represented by its General Secretary
T.Senthil Kumar, No.16, 18th Street
Sakthi Nagar, Nerkundram,
Chennai-600 107. ... Appellant

Vs.

- 1.The Ministry of Housing and Urban Affairs
represented by its Secretary, Nirman Bhawan
Maulana Azad Road, New Delhi-110 011.
- 2.The Ministry of Labour and Employment
represented by its Secretary
Shram Shakthi Bhawan, Rafi Marg
New Delhi - 110 001.
- 3.The Chief Labour Commissioner (Central)
Ministry of Labour and Employment,
Shram Shakthi Bhawan, Rafi Marg
New Delhi - 110 001.
- 4.The Commissioner of Labour
D.M.S.Campus, Teynampet, Chennai-600 006.
- 5.The Deputy Chief Labour Commissioner (Central)
5th Floor, Shastri Bhawan, Chennai - 600 006.
- 6.Chennai Metro Rail Ltd., represented by its
Managing Director, Admin Building, CMRL Depot
Poonamallee High Road, Koyambedu
Chennai - 600 107 ... Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent,
against the order passed by this Honourable Court dated
23.09.2019 in W.P.No.12931 of 2019 and W.M.P.No.13094 of 2019.

Writ Petition No.12931 of 2019: Petition praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Letter No.M.85(12)/2019-D1 dated 23.04.2019 issued by the fifth respondent and quashing the same and consequently, directing the fifth respondent to initiate conciliation proceedings based on the petitioner Union's notice of strike dated 22.04.2019.

For Appellant : Mr.N.G.R.Prasad
for M/s.K.Elango

For Respondents :Mr.J.Pothiraj,
Special Government Pleader-for R4
Mr.Jayesh B Dolia - for R6

J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI,J)

The present intra Court appeal has been filed by the Labour Union aggrieved by the interlocutory order passed by the learned Single Judge of this Court dated 23.09.2019, whereby the learned Single Judge vacated the earlier order dated 26.08.2019 passed by the other learned single Judge. The learned single Judge, by the impugned order, directed the respondent workmen, whose services were terminated by the sixth respondent Chennai Metro Rail Limited (CMRL), to vacate the quarters occupied by them.

2. Learned counsel for the sixth respondent / employer CMRL submitted that W.P.Nos.12931 and 26995 of 2019, in which the present interim order was passed, against which the present writ appeal is filed before this Court, have been disposed of by the learned single Judge on 25.10.2019, holding that the State Government Labour Department and its authorities are the appropriate Government, within the meaning of Section 2(a) of the Industrial Disputes Act, 1947. A copy of the said order dated 25.10.2019 passed by the learned single Judge is placed on record. In the present appeal, a Coordinate Bench of this Court, however granted interim protection to the aforesaid terminated employees by an order dated 21.10.2019, directing the sixth respondent employer CMRL not to dispossess.

3. Learned counsel for the appellant Union / workmen Mr.N.G.R.Prasad, however submitted that out of the four terminated employees, two persons are only occupying the quarters and their details are as follows.

S.No	Name & Designation	Home Town	Quarters No.
1.	T.Senthil Kumar, Traffic Controller	Trichy	105
2.	B.Aravindhnan, JE (Electrical)	Chidambaram	1503

4. Having heard the learned counsel for the parties, we are of the opinion that the aforesaid interim order of the learned single Judge does not require any interference in the present appeal, especially in view of the final disposal of the writ petition itself by the learned single Judge on 25.10.2019. Even though the learned counsel for the employer CMRL strongly opposed any extension of time period for the aforesaid terminated employees to occupy the quarters of the employer, we are inclined to grant time for approximately 1½ months from today ie., upto 20.01.2020, allowing the aforesaid persons viz., T.Senthil Kumar and B.Aravindhnan to continue in the possession of the said quarters even though their services have been terminated by the employer CMRL. Learned counsel on record for the appellant Mr.K.Elango has signed in the court bundle of the present writ appeal, undertaking on behalf of the aforesaid two persons, to hand over vacant and peaceful possession of the quarters occupied by them to the sixth respondent employer CMRL on the expiry of 20.01.2020. If that is not complied with, the respondent Employer can use coercive process including police aid to get these quarters vacated by the terminated employees.

5. In view of the aforesaid, we dispose of the present appeal without passing any further orders. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

KST

To

1.The Secretary, Ministry of Housing and Urban Affairs,
Nirman Bhawan,
Maulana Azad Road,
New Delhi-110 011.

WEB COPY

2.The Secretary,
Ministry of Labour and Employment,
Shram Shakthi Bhawan,
Rafi Marg, New Delhi - 110 001.

3.The Chief Labour Commissioner (Central)
Ministry of Labour and Employment,
Shram Shakthi Bhawan, Rafi Marg
New Delhi - 110 001.

4.The Commissioner of Labour,
D.M.S.Campus, Teynampet,
Chennai-600 006.

5.The Deputy Chief Labour Commissioner (Central),
5th Floor, Shastri Bhawan,
Chennai - 600 006.

6.The Managing Director,
Chennai Metro Rail Ltd.,
Admin Building,
CMRL Depot,
Poonamallee High Road, Koyambedu
Chennai - 600 107.

+1cc to Mr.V.Chandrasekaran, Advocate, SR.No.101516.
+1cc to Government Pleader, SR.No.10222.

SAI (CO)
CSR: 28/01/2020

W.A.No.3405 of 2019

सत्यमेव जयते

WEB COPY