

O.A.Nos.1033, 1034 and 1035 of 2019
in
C.S.No.437 of 2019

SENTHILKUMAR RAMAMOORTHY.,J.

These three applications are filed for the following: an interim injunction to restrain the respondents from inducing the members of the applicant trade union to join the fourth respondent; for a mandatory injunction directing the first respondent not to give effect to the resolution dated 25.10.2019 and for an interim injunction restraining the respondents from preventing the members of the applicant union from getting employment in the film and television industry.

2. I heard the learned counsel for the applicant, the learned counsel for respondents 1 & 3 and the learned counsel for respondents 4 & 5.

3. Pursuant to the directions issued at the previous hearing, the applicant/plaintiff has filed a memo dated 19.12.2019, wherein the said applicant/plaintiff has undertaken as under:-

"It is humbly submitted that the plaintiff's Secretary Mr.Dhanapal hereby undertake that he shall not participate in any of the meetings or negotiation between the plaintiff Association and FEFSI with regard to the outstanding issues of workman of the plaintiff's Association. The Plaintiff Association will constitute a Committee to represent the Association and to negotiate and thereby arrive any settlement or arrangement with the FEFSI. The said Committee members alone shall be authorized ad entitled to represent the Plaintiff Association and to do all the necessary acts on behalf of the Plaintiff Association."

4. Based on the aforesaid undertaking, the learned counsel for the applicant requests for appropriate orders to facilitate a complete settlement between the applicant and the respondents.

5. At the previous hearing, the learned counsel for respondents 1 and 3 submitted that the first respondent does not in any manner prevent the members of the applicant trade union from working in the film and television industry and that the said undertaking may be

recorded.

6. The learned counsel for the respondents 4 and 5 also submitted that notwithstanding the memo of undertaking, it is apprehended that the Secretary of the applicant Union Mr.Dhanapal, may indirectly participate in or influence the decision making by the members of the applicant Union.

7. After taking into consideration the submissions of the learned counsel and the memorandum of undertaking dated 19.12.2019, it is in the interest of justice that these applications are disposed of by issuing the following directions:

i. The Secretary of the applicant trade Union namely Mr.Dhanapal shall not directly or indirectly participate in any of the meetings or negotiations between the applicant association and the first respondent or the fourth respondent with regard to the outstanding issues of the applicant Union. Such negotiations shall be carried out on behalf of the applicant Union by a committee constituted by the applicant to represent the Union, carry out negotiations on its

behalf and also conclude settlements pursuant to such negotiation;

ii. The undertaking of the first respondent with regard to not preventing the members of the applicant Union from getting employment in the film and television industry is recorded;

iii. The applicant, the first respondent and the fourth respondent shall take all necessary measures to bring about a complete solution whether by amalgamating the applicant and the fourth respondent or otherwise; and

iv. No action shall be taken by any of the parties to jeopardize such complete settlement.

8. These applications are disposed of on the above terms.

9. List the suit with applications, in any, on 20.01.2020

19.12.2019

Note: Issue order copy on 20.12.2019

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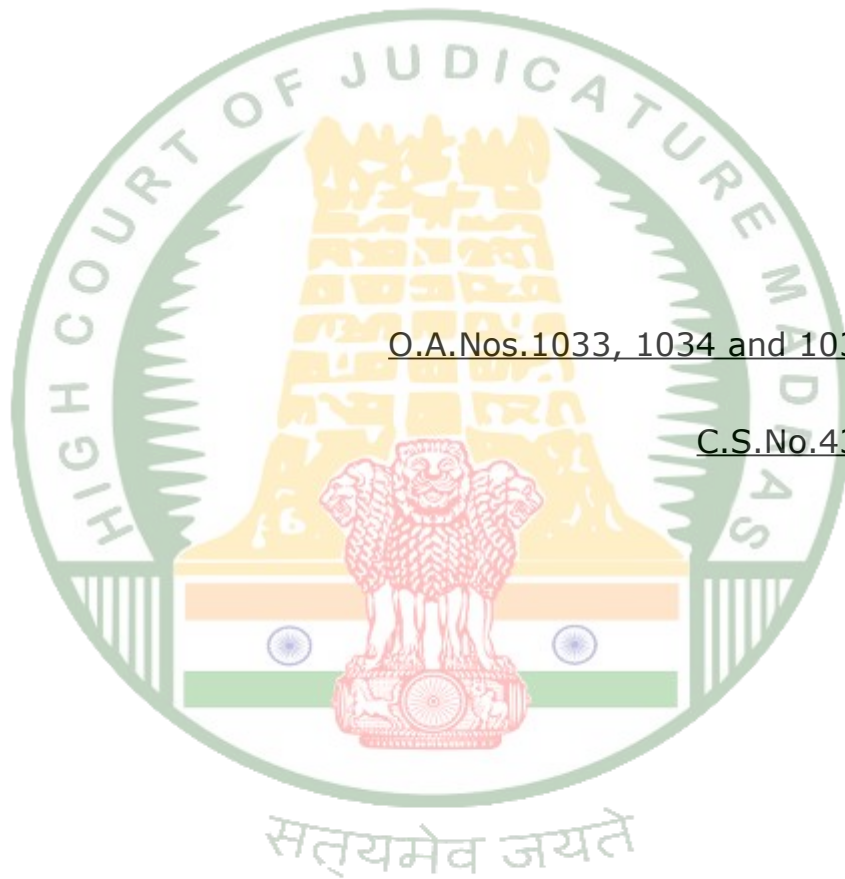


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