

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.30517 of 2008

Central Organization of

Tamilnadu Electricity Employees,
Rep.by its President,
Salem Distribution Circle Unit,
VP Chinthan Ninaivagam,
39-E 1, VPC Street,
Cinema Nagar,
Salem District - 636 009.

.... Petitioner

.vs.

1. The Government of Tamilnadu,
rep.by its Secretary,
Labour and Employment Department,
Fort St.George,
Chennai - 9.
2. The Tamilnadu Electricity Board,
rep.by its Superintending Engineer,
Salem Distribution Circle, Salem - 14.
3. The Labour Officer,
Salem.
4. The Tamilnadu Electricity Worker's Federation,
(Reg.No.1544 MDS/INTUC/11871)
rep.by its System President, Thiru.N.Murugan,
No.52, Dr.Subburayan Road,
Salem - 1.
5. C.Rajamanickam,
(Commercial Inspector),
O/o.The Assistant Executive Engineer (O&M),
Tamilnadu Electricity Board,
Sornapuri, Salem.

6. S.Ganesan,
(Commercial Inspector),
O/o. The Assistant Executive Engineer (O&M),
Sevaipet Sub Division,
Tamilnadu Electricity Board, Salem.
7. R.Palani,
(Commercial Inspector),
O/o.The Junior Engineer (O&M),
Bazaar Section, Tamilnadu Electricity Board,
Salem Town, Salem.
8. P.Govindan,
(Commercial Inspector),
O/o.The Assistant Executive Engineer (O&M),
Ilampillai, Tamilnadu Electricity Board,
Salem South, Salem.
9. A.Gnanasekaran,
(Line Inspector),
O/o.The Assistant Executive Engineer (O&M),
Fort Section, Tamilnadu Electricity Board,
Salem Town, Salem.

(R4 to R9 Impleaded as per order
dated 17.07.2009 by VDPJ in
M.P.No.1 of 2008 in W.P.No.30517 of 2008.)
10. The Tamilnadu Electricity Worker's Federation,
(Regd.No.2770), Salem Electricity Distribution
Circle Bench,
rep.by its Branch Secretary,
Mettu Street, Near Mettu Street Post Office,
Salem - 636 001.
11. The Tamilnadu Electrician Thozilalor,
Iykkia Sangam (Regd.No.1956/90)
rep.by its Circle Secretary,
S.Murugavel, S/o.R.Shanmugam,
187, Valluvar Colony,
Thadhampatti (Post),
Salem - 14.

(R10 to R11 Impleaded as per order
dated 01.09.2009 by SMKJ in
M.P.No.2 to 4 in W.P.No.30517 of 2008) ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the second Respondent not to alter the conditions of service and

to maintain status quo as on the date of raising of the Industrial Dispute, till the dispute is either settled or adjudicated by the Competent Labour Court/ Tribunal.

For Petitioner : Mr.V.Ajoy Khose
For 1st Respondent : Mr.A.Zakir Hussain,
Government Advocate
For 2nd Respondent : Mr.Karthik Rajan
For Respondents 4 to 9 : Mr.G.Ananda Kumar
For 10th Respondent : Mr.V.Subramani
For 11th Respondent : Mr.Y.Ramanaiah

O R D E R

Petitioner/Organization has come up with this Writ Petition seeking a direction to the 2nd Respondent not to alter the conditions of service, and to maintain status quo as on the date of raising of the Industrial Dispute, till the dispute is either settled or adjudicated by the Competent Labour Court/Tribunal.

2. Today, when the matter is taken up for hearing, it is represented by the learned counsel appearing for the 2nd Respondent/Electricity Board that, the 2nd Respondent intends to change the Service conditions. He pointed out that, an order of interim injunction was granted by this Court in the above Writ Petition on 23.12.2008. Though, according to him, he is not aware as to whether the injunction petition is pending or not, on a perusal of the case papers, it is seen that, the said order of interim injunction was vacated on 24.08.2009. Learned counsel appearing for the 2nd Respondent further submitted that, the present Writ Petition may be disposed of recording the observation made in the Vacate Stay Petition, so that, the parties can work out their remedy in Industrial Dispute No.21 of 2005, if the same is pending.

3. Heard the learned counsel for the parties and perused the material documents available on record.

4. This Court is of the view that, depending upon the Award passed in I.D.No.21 of 2005, parties concerned in this Writ Petition can work out their remedy in the manner known to law. Also, in view of the submissions made by the learned counsel appearing for the 2nd Respondent, no prejudice is going

to be caused, if such observation is going to be made, as parties will have to get redressal only through the Industrial Dispute, and Writ Petition is not an alternative remedy.

5. The Labour Court, Salem is expected to take up I.D.No.21 of 2005, if it is pending, and dispose of the same at the earliest point of time without adjourning the matter beyond seven working days at any point of time. In case, an Award had already been passed in the said Industrial Dispute during the pendency of the present Writ Petition, parties are entitled to get the benefits of the Award, without prejudice to the rights of the parties in the Industrial Dispute and the Writ Petition.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected M.P.No.1 of 2008 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Secretary,
The Government of Tamilnadu,
Labour and Employment Department,
Fort St.George, Chennai - 9.
2. The Superintending Engineer,
The Tamilnadu Electricity Board,
Salem Distribution Circle, Salem - 14.
3. The Labour Officer, Salem.
4. The System President,
The Tamilnadu Electricity Worker's Federation,
(Reg.No.1544 MDS/INTUC/11871),
Thiru.N.Murugan,No.52, Dr.Subburayan Road,
Salem - 1.
5. The Branch Secretary,
The Tamilnadu Electricity Worker's Federation,
(Regd.No.2770), Salem Electricity Distribution Circle Bench,

Mettu Street, Near Mettu Street Post Office,
Salem - 636 001.

6. The Circle Secretary,
The Tamilnadu Electrician Thozilalor,
Iykkia Sangam (Regd.No.1956/90),
S.Murugavel, S/o.R.Shanmugam,
187, Valluvar Colony,
Thadhampatti (Post), Salem - 14.

+1cc to Mr.Karthikrajan, Advocate, Sr.No.30576
+1cc to Mr.K.M.Ramesh, Advocate, Sr.No.30315
+1cc to Mr.V.Ajoy Khose, Advocate, Sr.No.30557
+1cc to Mr.S.Elamurugan, Advocate, Sr.No.30316

W.P.No.30517 of 2008

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