

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 9298 of 2020
and
W.M.P. No. 11339 of 2020

Uthukottai Vattara Amaippusara
Matrum Pothu Thozhilalar Sangam
Regd.509/TVR, Rep. by its Secretary
Giragappiravesa Nagar
Periyapalayam - 601 102
Thiruvallur District. Petitioner

-vs-

1. The Government of India
Represented by its Secretary
Ministry of Labour and Employment
Shram Shakthi Bhavan
New Delhi - 110 001.
2. The Deputy Chief Labour Commissioner-Central
Shastri Bhavan, Haddows Road
Chennai - 6.
3. The Regional Labour Commissioner-Central (Conciliation)
Shastri Bhavan, Haddows Road
Chennai - 6.
4. The Assistant Labour Commissioner-Central (Conciliation)
Shastri Bhavan, Haddows Road
Chennai - 6.
5. Alamadhi Semen Station, NDDB DS
Represented by its General Manager
Upparapalayam Road
Edappalayam Post
Red Hills, Chennai - 600 052.
6. M/s.Vijay Security and Facility Services
Rep. by its Proprietor Mr. R.Bharath
New Contractor
252, K.S.Road, Kavaraipettai Village
Gummudipoondi Taluk
Thiruvallur District.

7. M/s.ARK Security Services

Represented by its Partner

Thiru A.Ravi Kumar

No.16, Nayanar Street, Erukkanchery

Chennai - 600 118.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 2 to 4 to continue and conclude the conciliation proceedings pertaining to the industrial dispute in Proceedings No. M8/15/20020 B3 so as to bring an amicable settlement on the three demands and to submit a Failure Report to the First Respondent in the event of failure of conciliation and if there is no possibility for any settlement; directing the First Respondent to refer the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Chennai within a specified time and directing the Respondents 5 to 7 to maintain the status quo as on 25.02.2020, the date on which the above dispute was taken up for conciliation and not to alter the employment and conditions of service of 44 workmen/members of our union, who are employed in the Fifth Respondent Semen Station adversely in any manner, till the dispute is either settled or adjudicated.

For Petitioner : Mr. V.Ajoy Khose

For Respondents: Mr. A.Kumaraguru
Senior Panel Counsel (For R1 to R4)
Mr. Anand Gopalan
for M/s.T.S.Gopalan & Co. (For R5)
Mr. R.Jayaprakash (For R6)

O R D E R

(through video conference)

Heard Mr. V.Ajoy Khose, Learned Counsel for the Petitioner, Mr. A.Kumaraguru, Learned Senior Panel Counsel appearing for the First to Fourth Respondents, Mr. Anand Gopalan, Learned Counsel appearing for the Fifth Respondent and Mr. R.Jayaprakash, Learned Counsel for the Sixth Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the limited nature of relief claimed in the Writ Petition, this Court without expressing any view on the correctness or otherwise of the rival contentions of the parties, requires Second to Fourth Respondents to conduct the conciliation proceedings pertaining to the industrial dispute raised expeditiously by ensuring that there is at least one

effective sitting every week, and the Second to Fourth Respondents shall endeavour to complete the aforesaid exercise by 15.09.2020.

3. In the event of the conciliation proceedings resulting in failure, such report shall be immediately sent to the Appropriate Government for taking a decision as to whether the matter requires to be referred for adjudication as industrial dispute. It is made clear that the respective parties are not precluded from working out their remedies before the proper forum in the manner recognized by law for enforcing any beneficial rights that they may be legitimately entitled to claim till the conciliation proceedings are completed under the relevant statutory provisions.

Accordingly, the Writ Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary
Ministry of Labour and Employment
Shram Shakthi Bhavan
New Delhi - 110 001.
 2. The Deputy Chief Labour Commissioner-Central
Shastri Bhavan, Haddows Road
Chennai - 6.
 3. The Regional Labour Commissioner-Central (Conciliation)
Shastri Bhavan, Haddows Road
Chennai - 6.
 4. The Assistant Labour Commissioner-Central (Conciliation)
Shastri Bhavan, Haddows Road
Chennai - 6.
- +1cc to Mr.V.Ajoy Khose, Advocate, S.R.No. 26408

W.P. No. 9298 of 2020

SAI (CO)
GN(14/08/2020)