

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2020

CORAM

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

W.P. No. 11503 of 2019
and
W.M.P. No. 11764 of 2019

Micro Labs & Brown & Burk Workers Union
Represented by its President,
(Reg.No.503/DRP)
60-B, SIPCOT, Housing Colony,
(Opp.Lal SIPCOT)
Hosur - 635 126. ... Petitioner

-vs-

1. Government of Tamil Nadu,
Represented by its Secretary,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.
2. The Assistant Commissioner of Labour (Conciliation),
Krishnagiri.
3. The Management,
Micro Labs Limited,
No.92, SIPCOT, Industrial Complex (Phase-I),
Hosur - 635 126 ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the Third Respondent from altering the service conditions of the members of the Trade Union i.e., 1.Sangeetha, 2.S.Usha, 3.A.Poongodi, 4.V.Kala and 5.B.Senthil in any manner including discontinuance of service without getting prior permission under Section 33 (1) of the Industrial Disputes Act, 1947 in the industrial dispute raised recording questioning the domestic enquiry which are pending conciliation before the Second Respondent as Dispute in Na.Ka.No.A/183/2017 and further direct the conciliation officer viz., the Second Respondent to conciliate and effect settlement under Section 12(3) and if no settlement is forth coming to submit failure report under

Section 12(4) of the Industrial Disputes Act, 1947 and in turn direct the First Respondent to refer the dispute for adjudication before the competent adjudicator.

For Petitioner : Mr. Balan Haridass
for Mr.S.Parthasarathi

For Respondents: M/s.T.S.Gopalan & Co. (For R3)

O R D E R
(through video conference)

Heard Mr. Balan Haridass for Mr.S.Parthasarathi, Learned Counsel for the Petitioner and M/s.T.S.Gopalan & Co., Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to forbear the Third Respondent from altering the service conditions of the members of the Trade Union i.e., (1) Sangeetha, (2) S.Usha, (3) A.Poongodi, (4) V.Kala and (5) B.Senthil in any manner including discontinuance of service without getting prior permission under Section 33 (1) of the Industrial Disputes Act, 1947, in the industrial dispute raised recording questioning the domestic enquiry which are pending conciliation before the Second Respondent as Dispute in Na.Ka.No.A/183/2017 and further direct the conciliation officer viz., the Second Respondent to conciliate and effect settlement under Section 12(3) and if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act, 1947 and in turn direct the First Respondent to refer the dispute for adjudication before the competent adjudicator.

3. Learned Counsel for the Third Respondent submits that after filing the Writ Petition, settlement has been arrived between the Third Respondent and the concerned employees, who are members of the Trade Union of the Petitioner, on 16.18.2019 confirming that the disputes between them have been amicably resolved and a copy of the same been produced, which is placed on record. In view of the subsequent events, nothing remains for further consideration in this Writ Petition.

4. Accordingly, the Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.
2. The Assistant Commissioner of Labour (Conciliation),
Krishnagiri.

W.P. No. 11503 of 2019

SAI (CO)
GMY (17/08/2020)



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