

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

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

W.P. No.10369 of 2020
and

W.M.P. No.12609 of 2020

Tamil Nadu Grama Bank Workers Union
Represented by its General Secretary,
J.Mathavaraj
S/o.A.Janakiram
O/o. Tamiladu Grama Bank
Minnampalli - 636 106
Salem District.

... Petitioner

-vs-

1.The Chairman,
Tamil Nadu Grama Bank Head Office,
Yercaud Road, Salem - 7.

2.The Regional Labour Commissioner (Central),
No.26, A-Wing, 5th Floor, Shastri Bhavan,
Haddows Road, Nungambakkam,
Chennai - 600 006.

....Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondent Bank from altering the service conditions of 628 Temporary Office Attendants whose particulars are given in the list annexed herewith, in violation of Section 33 of the Industrial Disputes Act, pending disposal of Conciliation Proceedings before the statutory Conciliation Authority in I.D.No.M7(4)/2020-B2.

For Petitioner : Ms. D.Geetha

For Respondents: Mr. K.Srinivasamoorthy (for R1)

Mr. G.Karthikeyan (for R2)
(Assistant Solicitor General of India)

O R D E R

(through video conference)

Heard Ms. D.Geetha, Learned Counsel for the Petitioner, Mr. K.Srinivasamoorthy, Learned Counsel for the First Respondent and Mr. G.Karthikeyan, Learned Assistant Solicitor General of India appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to restrain the First Respondent from altering the service conditions of 628 Temporary Office Attendants, whose particulars are given in the list annexed thereto, in violation of Section 33 of the Industrial Disputes Act, pending disposal of conciliation proceedings in I.D. No. M7(4)/2020-B2 before the statutory Conciliation Officer.

3. Since the First Respondent denied the employment of the persons mentioned in the list furnished by the Petitioner in the annexure to the Writ Petition, this Court during the earlier hearing on 01.09.2020 required the Petitioner to produce documents in proof of their employment. As no documents have been produced by the Petitioner till date, it is not possible to entertain the claim made by the Petitioner in the Writ Petition. At the same time, it is informed by the Learned Assistant Solicitor General of India appearing for the Second Respondent that conciliation proceedings between the Petitioner and the First Respondent has already commenced and is taking place at Salem. As such, it is incumbent upon the Second Respondent to expeditiously complete the conciliation proceedings within the time limit stipulated in Section 12(4) of the Industrial Disputes Act, 1947, in the manner prescribed thereunder.

4. 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. Though obvious, it is clarified that no opinion has been expressed by this Court on the correctness or otherwise of the merits of the controversy between the parties.

Accordingly, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Grama Bank Head Office,
Yercaud Road,
Salem - 7.
2. The Regional Labour Commissioner (Central),
No.26, A-Wing,
5th Floor, Shastri Bhavan, Haddows Road,
Nungambakkam,
Chennai - 600 006.

+1cc to M/s.N.G.R.Prasad, Advocate Sr.32011

W.P. No. 10369 of 2020

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