

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

W.P.No.12054 of 2019 & W.M.P.No.12330 of 2019

Plantation Labour Association

(Affiliated with AITUC) RegNo.1659 Rep. by

its President Mr.T.Balakrishnan No.19/135

Eye Hospital Road Chevidipet Gudalur

The Nilgiris District.

...Petitioner

-Vs-

1.The Principal Secretary

Director and Commissioner Dept of
Industries and Commerce Government of Tamil
Nadu 5/6 Sidco Industrial Estate Guindy
Chennai 600 032.

2.The Managing Director

Salisbury Industrial Co - operative Tea
Factory Gudalur
The Nilgiris 643212.

3.The Assistant Commissioner of

Labour (C) Labour Department
Coonoor -1
The Nilgiris.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondent 1 and 3 to fill up all the sanctioned post which are now lying vacant in the 2nd respondent factory.

For Petitioner : Mr.K.Lavan

For Respondents : Mr.K.Bala Ramesh
Special Government Pleader

O R D E R

The prayer sought for herein is to direct the respondent 1 and 3 to fill up all the sanctioned post which are now lying vacant in the 2nd respondent factory.

2. The petitioner viz., Plantation Labour Association affiliated with AITUC is claimed to be a pioneer organization

dedicated for the upliftment of the working class. In this context, the Labour Union espoused the cause of the employees of the second respondent factory located at Gudalur, The Nilgiris.

3. According to the petitioner Union, there had been a talk/conciliation between the Employees Union and the Employer on 30.03.2019. Pursuant to the said discussion, certain things have been agreed upon by both sides, which they enumerated in their representation dated 11.04.2019. For a better understanding, the same is extracted hereunder.

"a. Maintain the status-quo of the factory without any hitch by not resorting to strikes.

b. Maintain the status-quo of the employees by not making any changes in the nature of the duties performed.

c. Obeying all the standing orders and agreements made by both parties etc.,"

4. However, according to the petitioner Union, subsequently some of the employees, though had been agreed upon to be engaged by the Employer as per the agreement claimed to have been reached between them on 30.03.2019, had been disengaged or the said employees were not given any work from 01.04.2019.

5. The petitioner Union made a request by way of a representation on 11.04.2019 to the first respondent, wherein they sought for a status quo that existed prior to 31.03.2019 till the final settlement of the Industrial Disputes pending before the Conciliation Authority. Since the said representation has not been considered, the petitioners have filed this writ petition with the aforesaid prayer.

6. Heard Mr.K.Lavan, learned counsel for the petitioner and Mr.Bala Ramesh, learned Special Government Pleader for the respondents.

7. Learned Special Government Pleader would submit that whatever the grievances expressed by the petitioner Labour Union through their representation dated 11.04.2019 addressed to the first respondent would be certainly considered on merits and in accordance with law and accordingly a decision would be taken and the same would be communicated to the petitioner within a time frame that may be stipulated by this Court.

8. Insofar as the final settlement to those employees or whatever the grievances of the employees Union is concerned, even in the petitioner's representation itself they have stated that only as a stop-gap or interim arrangement they

wanted status quo to be maintained as on 31.03.2019 till the final settlement of the industrial disputes which are pending before the Conciliation Authority.

9. In that view of the matter, after hearing both sides and having regard to the said facts and circumstances of the case, this Court is inclined to dispose of the writ petition as under.

10. The first and second respondents are hereby directed to consider the representation of the petitioner Union dated 11.04.2019 and decide the same on merits and in accordance with law and pass necessary orders to that effect within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that before deciding the said representation on merits, if the petitioner Union's representative is to be heard, such hearing also can be given to the representative of the Petitioner Union and thereafter a decision can be made as indicated above within the time frame.

11. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

1.The Principal Secretary
Director and Commissioner Dept of
Industries and Commerce Government of Tamil
Nadu 5/6 Sidco Industrial Estate
Guindy
Chennai 600 032.

2.The Assistant Commissioner of
Labour (C) Labour Department
Coonoor -1
The Nilgiris.

+1cc to Mr.K.Lavan, Advocate, SR.No.33055

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