

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.09.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 12572 of 2020
and
W.M.P. No. 15499 of 2020

Tamil Nadu General Workers Union
Chennai Airport Contract Workers Unit,
Rep. by its General Secretary,
Regn. No. 289/CPT
KTK, Thangamani Illam,
2/1 Kovur Vaidyanathan Street,
Chintadripet,
Chennai - 600 002. ... Petitioner

-vs-

1. The Deputy Chief Labour Commissioner (Central),
No. 4, Haddows Road,
Shastri Bhavan,
Chennai - 600 006.
2. Airport Authority of India,
Rep. by its Director,
Chennai Airport,
Meenambakkam,
Chennai - 600 027.
3. Management,
Add 5 Vision,
Rep. by its Proprietor,
No. 358, Kaveri Complex, IIIrd Floor,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent to initiate conciliation proceedings on the dispute filed by the Petitioner Union on 07.08.2020 regarding providing employment to 74 Trolly men whose names are in the annexure to the Petition and give them wages from May 2020 onwards and further direct the Second and Third Respondents not to engage any other persons for the work of Trolly retrieval other than the 74 employees whose names are given in the annexure to the petition.

For Petitioner : Mr. Balan Haridas

For Respondents: Dr. G.Babu,
Central Government Standing Counsel
(for R1)

Ms. Arul Mary (for R2)

Mr. P.R.Balasubramanian (for R3)

O R D E R
(through video conference)

Heard Mr. Balan Haridas, Learned Counsel for the Petitioner, Dr. G.Babu, Learned Central Government Standing Counsel appearing for the First Respondent, Ms. Arul Mary, Learned Counsel appearing for the Second Respondent and Mr. P.R.Balasubramanian, Learned Counsel, who takes notice 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 direct the the First Respondent to initiate conciliation proceedings on the dispute filed by the Trade Union of the Petitioner on 07.08.2020 regarding providing employment to 74 trolly men whose names are in the annexure to the same and give them wages from May 2020 onwards and further direct the Second and Third Respondents not to engage any other persons for the work of trolly retrieval other than those 74 employees whose names have been given.

3. Learned Counsel for the Third Respondent, on instructions, states that the conciliation proceedings between the Petitioner and the Third Respondent has already commenced. As such, it is incumbent upon the First 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.

5. Accordingly, the Writ Petition is dismissed with the aforesaid observations. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

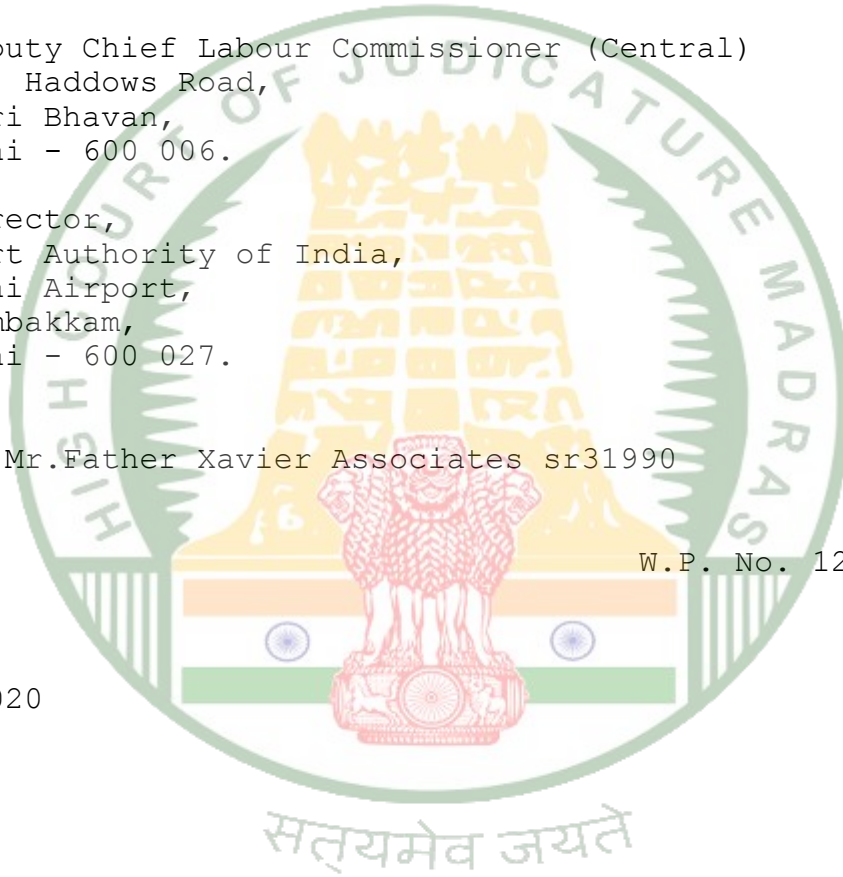
vjt
To

1. The Deputy Chief Labour Commissioner (Central)
No. 4, Haddows Road,
Shastri Bhavan,
Chennai - 600 006.
2. The Director,
Airport Authority of India,
Chennai Airport,
Meenambakkam,
Chennai - 600 027.

+2 ccs to Mr.Father Xavier Associates sr31990

W.P. No. 12572 of 2020

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