

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

W.P.No.15325 of 2020

and W.M.P.Nos.19163 and 19165 of 2020

Bharat Petroleum Corporation
Limited, Ranganathan Gardens
11th Main Road, Anna Nagar Chennai-40
Rep by its General Manager (HRS) South ... Petitioner

-Vs-

- 1 Deputy Chief Labour
Commissioner Cental office of the Deputy
Chief Labour Commissioner Central No 26
3rd Block 5th Floor Sastri bhavan Haddows
Road Nungambakkam
- 2 General Secretary
Petroleum Employees Union, No 1 Ranganathan
Gardens Anna Nagar West, Chennai-40
- 3 General Secretary
Petroleum workers Union Post Box No 1212
and 1213 Anna Nagar, Chennai-40
- 4 The Director General Police
Tamil nadu Dr Radhakrishna Salai Mylapore
Chennai-4 .. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the 1st Respondent to act on the Representation of the Petitioner dated 16.10.2020 forbear 2nd and 3rd Respondents from restoring to an illegal strike on from 6AM on 2.11.2020 to 6 AM on 7.11.2020 pursuant to their strike notice dated 14.10.2020.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.,

For Respondents : Mr.Ashok Kumar - for R1

O R D E R

The prayer sought for in this writ petition is to direct the 1st Respondent to act on the Representation of the Petitioner dated 16.10.2020 forbear 2nd and 3rd Respondents from restoring to an illegal strike on from 6 AM on 2.11.2020

to 6 AM on 7.11.2020 pursuant to their strike notice dated 14.10.2020.

2. This writ petition has been filed by Bharat Petroleum Corporation Limited against the strike notice issued by the Employees Union dated 14.10.2020, on the ground that the petitioner Bharat Petroleum Corporation has already been declared as a Public Utility Service by the Union of India under the provisions of the Industrial Disputes Act, 1947. Therefore, if at all the employees want to go for a strike, they should comply with Section 22 of the Industrial Disputes Act and therefore if they go for strike in violation of Section 22 of the Act, such strike would be illegal one and hence prays that the strike to be undertaken by the Employees Union as per the strike notice given by them dated 14.10.2020 proposing to go on strike from 6 AM on 2.11.2020 to 6 AM on 7.11.2020 should be declared as an illegal strike and accordingly the same can be restrained.

3. When this writ petition came up with the aforesaid prayer, after considering the aforesaid aspects, this Court has granted interim order on 29.10.2020, to the following effect.

" 10. In that view of the matter, based on the prima facie case made out by the petitioner, as projected by the learned counsel appearing for the petitioner, this Court is inclined to grant the following interim order.

(i) There shall be an interim order of injunction restraining the second and third respondents from going for a strike as they proposed under strike notice dated 14.10.2020 issued separately by second and third respondents to go for a strike between 02.11.2020 6.00 a.m. And 07.11.2020 6.00 a.m.

(ii) Accordingly, the fourth respondent is hereby directed to give adequate police protection for the installations of the petitioner, on need basis, during the proposed strike period, to maintain law and order.

Post the matter on 19.11.2020."

4. Pursuant to the said interim order, it seems that, the respondent Employees Union have not gone for the strike as they proposed. In other words, they have withdrawn the strike. Therefore, the strike proposed to be undertaken between 6 AM on 2.11.2020 and 6 AM on 7.11.2020 was not undertaken by the respondent Employees Union, thereby the prayer sought for in this writ petition either has been accomplished or has become infructuous,

5. Only at this juncture, when the writ petition is taken up for hearing today, learned counsel for the petitioner would submit that, though the said issue raised in this writ petition pertaining to the proposed strike to be undertaken between 6 AM on 2.11.2020 and 6 AM on 7.11.2020 has not been undertaken and that has become now settled, he would submit that, at least 4 or 5 times in a year, despite the fact that the petitioner Corporation having been declared as a Public Utility Service under the provisions of the Industrial Disputes Act by the Central Government, in violation of the said provisions, especially Section 22 of the Industrial Disputes Act, the respondent Union go for strike or issue notice proposing to go on strike, thereby the administration of the petitioner is always facing trouble and getting prejudiced at the hands of the respondent Employees Union. Therefore, a suitable direction can be given to the respondent Employees Union to strictly adhere to the provisions of law in view of the status of the petitioner Corporation having been declared as Public Utility Service by the Central Government.

6. Be that as it may. The said issue can be decided at appropriate case and as of now the issue raised in this writ petition, since has been given a quietus, and it is no longer an issue to be further adjudicated before this Court, this Court feels that this writ petition can be disposed of by recording the aforesaid developments, leaving open the issue further raised by the learned counsel for the petitioner, as indicated above, to have a permanent solution, to set right the things.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KST

To

1 Deputy Chief Labour Commissioner,
Central Office of the Deputy
Chief Labour Commissioner Central
No.26, 3rd Block 5th Floor Sastri
Bhavan, Haddows Road, Nungambakkam

2 General Secretary, Petroleum Employees Union,
No.1 Ranganathan Gardens
Anna Nagar West, Chennai-40

3 General Secretary,
Petroleum workers Union Post Box No 1212
and 1213, Anna Nagar, Chennai-40.

4 The Director General Police,
Tamil nadu Dr Radhakrishna Salai Mylapore Chennai-4.

+lcc to T.S.Gopalan & Co., SR.NO.38820

W.P.No.15325 of 2020

BP CO
SDR 18/12/2020



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