

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.2597 of 2021

Thiruvallur Mavatta Pothu Thozhilalargal Sangam,
Rep. by its General Secretary,
Reg.No.96/TVR, No.17, Selai Road,
Annamalai Nagar, Thiruvalluvar - 602 001. ... Petitioner

Vs.

1. Government of Tamilnadu,
Rep. by its Secretary,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.
2. M/s.BGR Energy System Ltd.,
Rep. by its Chairman,
443, Annasalai, Teynampet,
Chennai - 600 018.
3. The President,
AIRFIN Cooler Division,
BGR Energy System Ltd.,
No.443, Annasalai, Teynampet,
Chennai - 600 018.
4. The General Manager,
AIRFIN Cooler Division,
BGR Energy System Ltd.,
No.9, GNT Road,
Panjetty Post, Ponneri Taluk,
Thiruvallur District - 601 204. ... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to issue an amendment to the reference by removing the names of S.Balaji and Iyappan at Serial Nos.30 and 32 and by including the name of Jayapal and M.Nehru at Serial Nos.30 and 32 in the tabular column shown below the schedule of reference in G.O.(Pa) No.217, dated 16.04.2020; to prohibit the continuance of the lockout imposed by the respondents 2 to 4 with effect from 13.07.2019, from the date of reference as per sections 10(3) and 10(B)(b) of the

I.D.Act; to file a complaint under sections 26 and 31 against the respondents 2 to 4 and their officials or to authorize the petitioner union to file such a complaint as per Section 34(1) of the I.D.Act and to refer the dispute in Na.Ka.No.A/806/2019 relating to the charter of demands to the Industrial Tribunal, for adjudication as per section 12(1) r/w sections 10(1)(c) and 10(1)(d) of the I.D.Act, based on the representations dated 04.06.2020, 07.09.2020 and 18.01.2021 made by their union to the first respondent within a specified time limit as may be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondent No.1 : Mr.B.Anand
Government Advocate

O R D E R

The petitioner/Union raised a dispute before the Deputy Commissioner of Labour (Conciliation)-2, Kuralagam, Chennai. The Deputy Commissioner of Labour has sent a failure report, based on which, the first respondent made the reference, in which, the names of the workmen viz., Jayapal and M.Nehru were not found and therefore, they seek amendment to the reference made by the first respondent and they have made the representation for that purpose on 18.01.2021.

2. Considering the limited prayer, a direction is issued to the first respondent to consider the representation of the petitioner dated 18.01.2021 and dispose of the same within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.

+lcc to Mr.V.Ajoy Khose, Advocate SR.6958
+lcc to the Government Pleader SR.7346

W.P.No.2597 of 2021

VG II (CO)
CB(03/03/2021)