

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 01.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.30883 of 2008

Sujana Employees Union
Reg.No.TVR/358,
No.862, Main Road, Kannigaiper,
Thiruvallur District 601 102.

... Petitioner

Vs.

- 1.Government of Tamil Nadu
rep. by its Secretary,
Labour and Employment Department,
Fort St. George, Chennai.
- 2.Assistant Commissioner of Labour
(Conciliation) 2, Kuralagam, 3rd Floor,
Chennai - 600 108.
- 3.Management,
Sujana Metal Products Limited,
No.204/3-BH, Manjakaranai Village,
Uthukottai Taluk, Periyapalayam Road,
Thiruvallur District 601 102.
- 4.Management
SS Manpower Consultants and Trading Services
Survey No.270/2A, Periyapalayam Road,
Manjakaranai Village,
Uthukottai Taluk,
Thiruvallur District - 601 102.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus forbearing the 3rd and 4th respondents from altering the service conditions of the members of the petitioner union whose names are given in the Annexure C to the affidavit filed in support of the writ petition in any manner including discontinuance of their services without getting permission under section 33 of the Industrial Disputes Act, 1947 in the Industrial Disputes raised by the petitioner which are pending conciliation before the 2nd respondent bearing ref.A/1090/08 (concerning the protected workmen), A/1091/08 (concerning unfair labour practice) and A/1266/08 (concerning regularisation of services of the members of the petitioner union) and further by directing the 2nd

respondent to submit failure report under section 12(4) of the Industrial Disputes Act, 1947 and in turn direct the 1st respondent to refer those disputes for adjudication before competent industrial adjudicator.

For Petitioner : Mr.Balan Haridas
For Respondents : Mr.K.Magesh
Spl. Govt. Pleader (for R1 and R2)
For 3rd Respondent : M/s.Gupta & Ravi
For 4th Respondent : M/s.Pushpa Menon

ORDER

The prayer sought for in this writ petition is to issue a writ of mandamus forbearing the respondents 3 and 4 from altering the service conditions of the members of the petitioner union whose names are given in the Annexure C to the affidavit filed in support of the writ petition in any manner including discontinuance of their services without getting permission under section 33 of the Industrial Disputes Act, 1947 in the Industrial Disputes raised by the petitioner which are pending conciliation before the second respondent bearing Ref.A/1090/08 (concerning the protected workmen), A/1091/08 (concerning unfair labour practice) and A/1266/08 (concerning regularisation of services of the members of the petitioner union) and further by directing the second respondent to submit failure report under section 12(4) of the Industrial Disputes Act, 1947 and in turn direct the first respondent to refer those disputes for adjudication before competent industrial adjudicator.

2.Mr.Balan Haridas, learned counsel appearing for the petitioner, on instruction, would submit that, in view of the alleged Section 33 of the Industrial Disputes Act violation, this writ petition has been filed with the aforesaid prayer. As of now, nothing is available to effectively pursue the matter further, therefore, he seeks liberty to withdraw this writ petition with the liberty to raise the issue arising out of the said alleged violation of Section 33 of the I.D. Act in future, if the petitioner is advised to do.

3.With that liberty, this Writ Petition is dismissed. No costs.

sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

sgl

To

1.The Secretary,
Government of Tamil Nadu
Labour and Employment Department,
Fort St. George, Chennai.

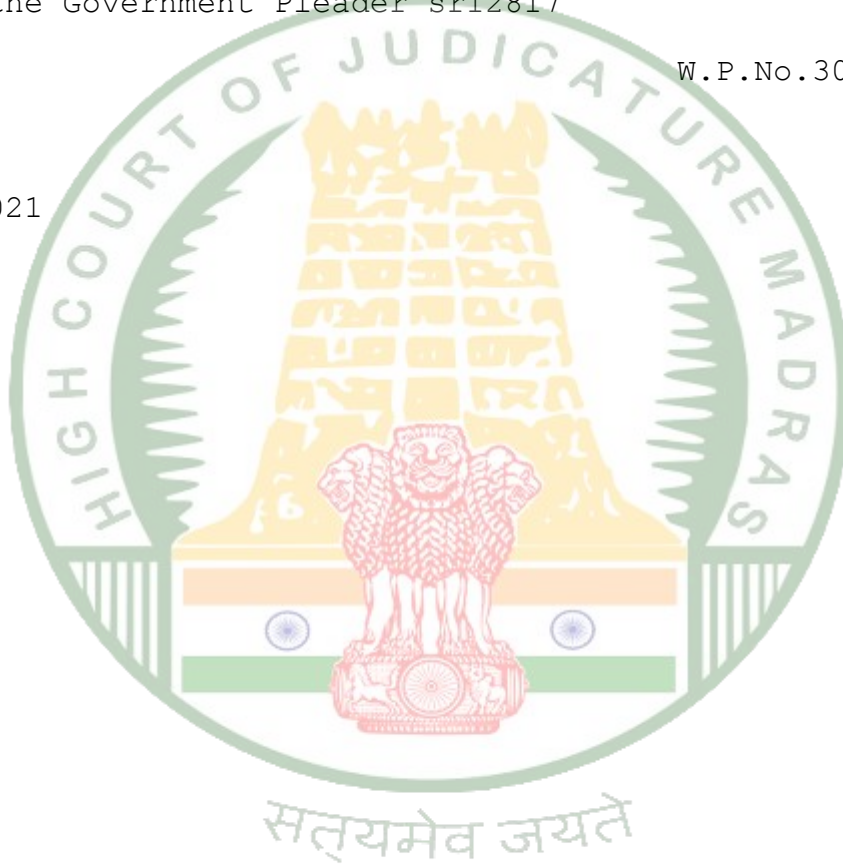
2.Assistant Commissioner of Labour
(Conciliation) 2, Kuralagam, 3rd Floor,
Chennai - 600 108.

+1 cc to M/s.Gupta & Ravi Advocate sr12274

+1 cc to the Government Pleader sr12817

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