

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WP NO.3608 OF 2021
AND WMP NOS.4134 AND 4142 OF 2021

The Management of

M/s.Renault Nissan Automotive India (P) Ltd.,
Rep. by its Vice President - Human Resources
Plot No.1, SIPCOT Industrial Park,
Oragadam, Mattur (PO)
Sriperumbudur Taluk,
Tamil Nadu - 602 105.

... Petitioner

Versus

1.Renault Nissan India Thozhilalar Sangam
Reg.No.TVR/501
Rep. by its Secretary
149, Thambu Chetty Street,
CJ Complex, 4th Floor,
Chennai - 600 001.

2.The Deputy Commissioner of Labour
(Conciliation) - I
Irungattukottai,
Sriperumbudur Taluk,
Kancheepuram District.

3.The Secretary to Government
Department of Labour and Employment
Fort St. George,
Chennai - 600 009.
(R3 - Suo motu impleaded vide order
dated 17.03.2021 made in WP 3608/2021)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the first respondent from breaching their public duty of indulging in "strike" in any form at the plant of the petitioner viz., Renault Nissan India Private Limited, Plot No.1, SIPCOT Industrial Park, Oragadam, Mattur (Post), Sriperumbudur, Kancheepuram District and in around the factory

premises of the petitioner.

For Petitioner : Mr.Sanjay Mohan
for M/s.Sai Raaj Associates

For Respondent-1 : Mr.V.Prakash
Senior Counsel
for M/s.Bubala Chandran

For Respondents: Mr.B.Anand
2 and 3 Government Advocate

O R D E R

The Writ Petitioner has approached this Court seeking a Writ of Mandamus forbearing the first respondent from indulging in strike.

2.On notice, the first respondent / Sangam is represented by Mr.V.Prakash, learned Senior Counsel.

3.After discussions, both the parties have agreed to refer the matter for Arbitration under Section 10A of the Industrial Disputes Act, 1947 and have mutually agreed to appoint the Hon'ble Mr.Justice P.Jyothimani, a Retired Judge of this Court to act as an Arbitrator. They have also filed a Joint Memo dated 29.03.2021 setting out the terms of reference to be submitted before the Arbitrator.

4.This Court also suo motu impleaded the Secretary to Government, Government of Tamil Nadu, Labour and Employment Department, Chennai, as a party in the Writ Petition to refer the same to the Government and to publish the terms of reference in the Gazette to refer the dispute for arbitration.

5.Accordingly, this Court is inclined to pass the following order:-

(i) The third respondent / Government is directed to publish the Agreement within a period of two weeks from the date of receipt of a copy of this order.

(ii) The learned Government Advocate is directed to communicate the reference under Section 10A of the Industrial Disputes Act, 1947 and connected papers including the Agreement to the Government for processing the same immediately.

(iii) A copy of the reference be communicated to the learned Arbitrator, the Hon'ble Mr.Justice P.Jyothimani, a Retired Judge of this Court, having office at No.81, Kandasamy Nagar, 5th Street, 1st Floor, Kamarajar Salai, Palavakkam, Chennai - 600 041, Mobile: 9498020044.

6.The Writ Petition is ordered in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The Deputy Commissioner of Labour
(Conciliation) - I
Irungattukottai,
Sriperumbudur Taluk,
Kancheepuram District.
- 2.The Secretary to Government
Department of Labour and Employment
Fort St. George,
Chennai - 600 009.
- 3.Hon'ble Mr.Justice P.Jyothimani, (Rtd. Judge)
No.81, Kandasamy Nagar, 5th Street,
1st Floor Kamarajar Salai,
Pulavakkam, Chennai 41.

+1cc to M/s.Sai Raaj Associates, Advocate, S.R.No. 21632
+1cc to Mr.R.Balachandran, Advocate, S.R.No. 21267

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SVI (CO)
GN(12/05/2021)