

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.5481 of 2021
and W.M.P.Nos.6086 and 6088 of 2021

TN HMS Uzhaippalar Sangam,
Represented by its State President,
Regd. No.3544/CNI,
Affiliated to Hind Mazdoor Sabha,
193-B, Railway Colony, Gandhi Irwin Road,
Egmore, Chennai - 600 008. ... Petitioner

Vs.

1. Container Corporation of India,
Inland Container Depot, Ennore High Road,
Sathankadu Village, Thiruvottiyur,
Chennai - 600 019.
2. The Regional Labour Commissioner (C),
No.26, 'A' Wing, 5th Floor,
Shasthri Bhawan,
Haddows Road, Nungambakkam,
Chennai - 600 006.
3. Preethan Equipment Service Pvt. Ltd.,
No.6 & 7 Riddi Shaya Building,
New Panvel 410 206,
Navi Mumbai, Maharashtra.

... 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 1st and 3rd respondents to only employ the members of the Petitioner Union at the Thiruvottiyur Depot of the 1st respondent.

For Petitioner : Mr.A.Jenasenan
For Respondent No.1 : M/s.Dharanichander

For Respondent No.2 : M/s.V.Kadhirvelu
Special Government Pleader

For Respondent No.3 : M/s.Ambedkar

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct respondent Nos.1 and 3 to employ the members of the Petitioner Union at Thiruvottiur Depot of respondent No.1.

2. The Petitioner Union raised an industrial dispute before the second respondent and the second respondent has held negotiations on 24.12.2020, 06.01.2021, 07.01.2021 and 22.01.2021 and till date, there is no amicable settlement. The Petitioner's complaint is that the third respondent Contractor is not coming forward for any settlement.

3. The learned counsel appearing for the petitioner would draw the attention of this Court to the order of the Conciliation Officer, dated 24.12.2020, wherein, the third respondent has been directed to maintain status-quo under Section 33 of the Industrial Disputes Act, 1947, and the Union has also been directed to maintain status-quo under Section 23 of the Act. This order, according to the learned counsel for the petitioner, is still in force.

4. Considering the facts and circumstances of the case, a direction is given to the second respondent to conclude the conciliation proceedings in terms of Section 12(6) of the Industrial Disputes Act, 1947, and pass appropriate orders. It is made clear that during the pendency of the conciliation proceedings, the terms of appointment shall not be altered and the order of status quo as ordered by the second respondent as on 24.12.2020 shall be maintained.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. Container Corporation of India,
Inland Container Depot, Ennore High Road,
Sathankadu Village, Thiruvottiur,
Chennai - 600 019.

2. The Regional Labour Commissioner (C),
No.26, 'A' Wing, 5th Floor,
Shasthri Bhawan,
Haddows Road, Nungambakkam,
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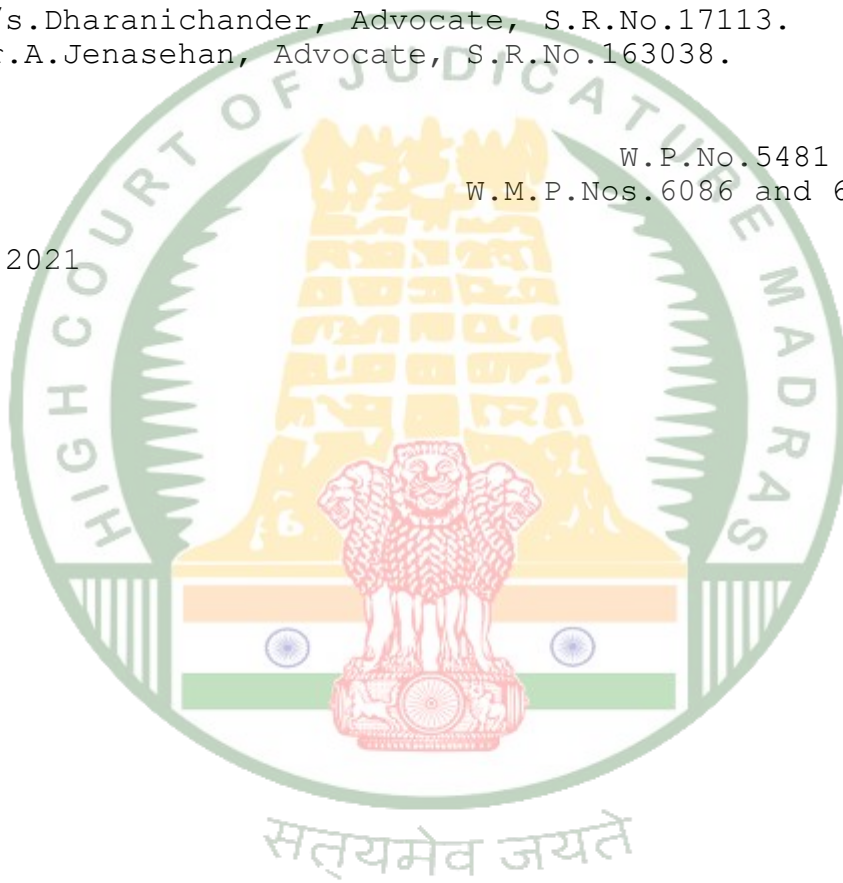
3. Preethan Equipment Service Pvt. Ltd.,
No.6 & 7 Riddi Shaya Building,
New Panvel 410 206,
Navi Mumbai, Maharashtra.

+1cc to M/s.Dharanichander, Advocate, S.R.No.17113.

+2cc to Mr.A.Jenasehan, Advocate, S.R.No.163038.

W.P.No.5481 of 2021 and
W.M.P.Nos.6086 and 6088 of 2021

PMK (CO)
CSR 01.04.2021



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