



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

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THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8836 of 2015

United Labour Federation
Represented by its Secretary
No.149, Thambuchetty street Complex IV Floor,
Chennai - 600 001.

...Petitioner

Vs.

1.The Government of Tamil Nadu
Rep by its Secretary
Department of Labour and Employment
Fort St.George, Chennai-9.

2.The Management of Dynamatic Technologies Ltd,
JKM Auto
Rep by its Managing Director,
No.C-23, 24 & F-67 & 68,
Irugattkottai, Sriperumbudur,
Kancheepuram District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified mandamus calling for the records in connection with GO.(D).No.553 Labour and Employment dated 31.10.2013 and quash the same and further direct the first respondent the state of Tamil Nadu to refer the industrial dispute raised by the petitioner union dated 21.12.2012 covered by the above GO.(D).553 for adjudication.

For Petitioner : Mr.K.Sudalai Kannu

For respondents : Mr.S.Arumugham,
Govt Counsel for R1.
Mr.Vijayan, for
M/s.King and Patridge for R2.

O R D E R

This Writ Petition is listed and taken up today through Video Conferencing.

2. The petitioner herein is aggrieved against the inaction on the part of the Government to make a reference with regard to



the apprehension that the Management/Dynamatic Technologies Ltd would transfer its machineries from its Sriperumbudur plant.

3. The second respondent herein had filed a counter affidavit dated 21.09.2021 whereby it is stated that the factories at Sriperumbudur was sold to one Hi-Tech Arai Pvt Ltd having its registered office at G2 No.12, 12th Cross street, Dhandeeswara Nagar, Velachery, Chennai - 600 042, by way of a business transfer agreement dated 31.12.2018, together with men and machineries. As such the very cause of action for which the petitioner had raised the dispute, has now become infructuous.

4. The learned counsel for the petitioner would submit that in consequence to the transfer of the factory, various disputes have been raised and are pending before the concerned Labour Courts. It is made clear that the closure of the present writ petition and the findings herein, will not have any bearing on the pendency of the various disputes between the petitioner/Union and the Management and that the concerned Labour Court/Industrial Tribunal shall adjudicate those disputes independently, without being influenced by any of the observations made in this writ petition.

5. In the result, the writ petition stands closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Secretary,
Government of Tamil Nadu,
Department of Labour and Employment,
Fort St.George,
Chennai-9.

+1cc to M/s.King and Patridge , Advocate, S.R.No.48651
+1cc to the Government Pleader, S.R.No.49519

W.P.No.8836 of 2015

KK[co]
NSK 28/10/2021