

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WP NO.12795 OF 2020
AND WMP NOS.15810 & 15813 OF 2020

BHAVINI Employees' Union

Rep. by its General Secretary

No.460, Periyar Nagar, Pudupattinam,
Kalpakkam, Chengalpattu District.

.. Petitioner

Versus

1.Government of India

Ministry of Labour and Employment

Rep. by its Secretary

Shram Shakti Bhavan, Rafi Marg,
New Delhi - 110 001.

2.The Assistant Labour Commissioner

(Central) - Conciliation

Shastri Bhavan,

Haddows Road,

Chennai - 6.

3.Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)

Rep. by its Chairman and Managing Director
Kalpakkam, Chengalpattu District.

4.The Chief Construction Engineer (FBR 1&2)

Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)
Kalpakkam - 603 102. Chengalpattu District.

5.The Assistant General Manager (HR)

Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)
Kalpakkam - 603 102. Chengalpattu District.

6.The Senior Manager (HR)

Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)
Kalpakkam - 603 102.
Chengalpattu District.

7.The Manager (HR)

Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)
Kalpakkam - 603 102.
Chengalpattu District.

8.The Officer - in - Charge

BHAVINI Industrial Canteen

Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)

Kalpakkam - 603 102.

Chengalpattu District.

9.BHAVINI Industrial Canteen Apex Committee

Rep. by its Chairman

Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)

Kalpakkam - 603 102.

Chengalpattu District.

10.BHAVINI Industrial Canteen Steering Committee

Rep. by its Chairman

Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)

Kalpakkam - 603 102.

Chengalpattu District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Circular No.BHAVINI/CANTEEN/2020 dated 13.02.2020 issued by the 6th respondent and the Tender Notification in TENDER No.BHAVINI/CTC/O&M/164/2020 dated Nil issued by the 4th respondent in the official website of the 3rd respondent Corporation, quash the same and consequently direct the 2nd respondent to conclude the conciliation proceedings in No.M8/99/2019 B3, within a specified time so as to bring an amicable settlement and to submit a failure report to the 1st respondent, if there is no possibility for any amicable settlement; direct the 1st respondent to refer the dispute for adjudication to the Central Government Tribunal / Labour Court, Chennai and direct the respondents 3 to 10 to maintain the same price list of food items to be supplied in BHAVINI Canteen as on 31.12.2019, till the dispute is either settled or adjudicated.

For Petitioner : Mr.V.Ajoy Khose

For Respondents 1&2 : Dr.G.Babu
Central Government Standing Counsel

For Respondents 3-10: Mr.S.Senthilnathan

O R D E R

The Writ Petition is filed for completion of conciliation proceedings with regard to the Charter of Demands made by the petitioner / Union on 08.01.2020.

2.The petitioner / Union has raised 18 demands in their Charter of Demands. By intervention of this Court, demand No.17 alone was segregated and it was conciliated by the Conciliation Officer and it was referred to the Industrial Tribunal. In so far as demand No.17 is concerned, it is open to the petitioner / Union to raise whatever objections they have, before the Industrial Tribunal, in the manner known to law. In so far as the remaining Charter of Demands, conciliation is still pending with the Conciliation Officer.

3.Therefore, a direction is issued to the Conciliation Officer to conclude the conciliation proceedings within a period of six weeks from the date of receipt of a copy of this order. It goes without saying that all opportunities should be given to both parties to put forward their claims before the Conciliation Officer. The Industrial Tribunal shall consider speedy disposal of the dispute.

4.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The Secretary, Government of India
Ministry of Labour and Employment
Shram Shakti Bhavan, Rafi Marg,
New Delhi - 110 001.
- 2.The Assistant Labour Commissioner (Central) - Conciliation
Shastri Bhavan, Haddows Road, Chennai - 6.
- 3.The Chairman and Managing Director
Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)
Kalpakkam, Chengalpattu District.
- 4.The Chief Construction Engineer (FBR 1&2)
Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)
Kalpakkam - 603 102. Chengalpattu District.

- 5.The Assistant General Manager (HR)
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Chengalpattu District.
 - 9.The Chairman
BHAVINI Industrial Canteen Apex Committee
Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)
Kalpakkam - 603 102. Chengalpattu District.
 - 10.The Chairman
BHAVINI Industrial Canteen Steering Committee
Bharatiya Nabhikya Vidyut Nigam Limited (BHAVINI)
Kalpakkam - 603 102. Chengalpattu District.
 - 11.The Presiding officer,
Labour Court,
Chennai.
- +1cc to Mr.V.Ajoy Khose, Advocate, S.R.No. 12701
+2cc to Dr.G.Babu, Advocate, S.R.No. 12884
+1cc to Mr.S.Senthilnathan, Advocate, S.R.No. 12710

सत्यमेव जयते

WP NO.12795 OF 2020

VSN II (CO)
GN (30/03/2021)

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