



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2021

CORAM

THE HON'BLE MR. JUSTICE M.S.RAMESH

W.P.NO.16148 OF 2021

AND

W.M.P.NO.17082 OF 2021

Gencor Pacific Auto Engineering
Thozhilalargal Naam Thamizar Thozhir Sangam,
Reg.No.1887/RTU/2021
rep by its Secretary
No.21, Bank Street, Thirubhuvanai,
Puducherry.

...Petitioner

Vs.

- 1.The Government of Puducherry,
rep by its Secretary Labour Department,
Puducherry.
- 2.The Labour Officer Conciliation,
Labour Department,
No.15, Nehru Nagar, 1st Floor,
Puducherry - 605 011.
- 3.M/s.Gencor Pacific Auto Engineering (Pvt.) Ltd.,
rep by its Plant Head,
Plot No.A-25, PIPDIC Industrial Estate,
Electronic Park, Thirubhuvanai,
Puducherry - 605 107.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus forbearing the 3rd respondent from altering the service conditions of the members of the petitioner Union whose names are viz., 1.T.Elumalai, 2.M.Rajeshkumar, 3.C.Kumar, 4.T.Jayakumar, 5.C.Sekar, 6.V.Vasanthraj, 7.J.Ganapathynath Senthil Iyappan, 8.M.Verappan, 9.V.Ravindar, 10.P.Kabilarasan, 11.R.Muniyappan 12.C.Kumar, in any manner including discontinuance of service or transferring/debating to far off places or failing to provide employment in any manner without getting permission under Section 33 of Industrial Disputes Act in pending Industrial Dispute dated 21.06.2021 raised by petitioner union regarding Charter of Demand which is pending conciliation before the 2nd respondent and further directing 2nd respondent to conciliate and effect settlement and if no settlement is forthcoming, to submit failure report before the 1st respondent under Section 12(4) of



the Industrial Disputes Act and in turn direct the 1st respondent to refer the dispute for adjudication by competent Industrial Court.

For Petitioner : Mr.P.R.Thiruneelakandan
For Respondent : Mrs.N.Mala,
Government Pleader (Pondy) (R1 & R2)
Mr.P.Santhaseelan (R3)

O R D E R

The grievance of the petitioner in the present Writ Petition is that they apprehend that the Management/3rd respondent herein may alter the service conditions of their members.

2.It is needless to point out that whenever such a mode of altering the service conditions is adopted, the Management would be required to follow the procedure contemplated under the Industrial Disputes Act. As such, no specific orders may be required from this Court.

3.In the light of the above observation, the Writ Petition stands closed, with the observation that if at all the 3rd respondent/Management intends to alter the service conditions of the members of the petitioner/ Union, such an action shall be in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

va

To

1.The Secretary Labour Department,
Government of Puducherry,
Puducherry.

2.The Labour Officer Conciliation,
Labour Department,
No.15, Nehru Nagar, 1st Floor,
Puducherry - 605 011.

+2ccs to Dr.R.Sampathkumar, Advocate, S.R.No.43277

+1cc to Mr.P.R.Thiruneelakandam, Advocate, S.R.No.4349

W.P.No.16148 of 2021
and W.M.P.No.17082 of 2021

PVS (CO)
RVM(07/10/2021)