



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15996 of 2021

and

W.M.P.No.16906 of 2021

Madras Metro Labour Union
Cantonment Board Daily Wagers
and Contract Workers Union Branch,
Rep. by its General Secretary,
Regn.No.891/CPT,
Plot No.400, No.40, Anna Street,
Thiruvalluvar Nagar,
Old Pallavaram,
Chennai- 600 117.

...Petitioner

-Vs-

1. Government of India,
Rep. by its Secretary,
Ministry of Labour and Employment Department,
Rafi Marg, New Delhi.
2. The Assistant Labour Commissioner (Central),
O/o. The Deputy Chief Labour Commissioner (Central),
No.4, Haddows Road,
Shastri Bhawan,
Chennai 600 006.
3. Cantonment Board,
Rep. by its Chief Executive Officer,
St.Thomas Mount cum Pallavaram,
Ministry of Defence,
Government of India,
St.Thomas Mount,
Chennai - 600 016.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondent No.3 from altering the service conditions of the members of the petitioner union whose names are given in the Annexure to the Writ Petition in any manner including discontinuance of service or failing to provide employment in any manner without getting permission under



Section 33 of the Industrial Disputes Act, 1947, in the Industrial Disputes dated 10.07.2021 raised by the petitioner union regarding regularization of the services of the 120 employees concerned in the dispute, which is pending conciliation before the second respondent as dispute No.M.8/24/2021 - B3, dated 15.07.2021 and further direct the second respondent to conciliate and effect settlement and if no settlement is forthcoming to submit failure report under Section 121(4) of the Industrial Disputes Act and in turn direct the first respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.

For Petitioner : Mr.Balan Haridas

For R1 : No Appearance

For R3 : Mr.Chevanan Mohan for
M/S King and Partridge

ORDER

Heard Mr.Balan Haridas, learned counsel for the petitioner and Mr.Chevanan Mohan, learned counsel appearing for the third respondent.

2. The limited prayer sought for by the Petitioner-Union is on an apprehension that the service conditions of some of their members could be changed, pending conciliation proceedings before the second respondent.

3. Section 33 of the Industrial Disputes Act, 1947, prohibits the employer from changing the service conditions of any workman during the pendency of any conciliation proceedings. It is not in dispute that the present conciliation, which is now pending before the second respondent herein, is in connection with the service conditions of the members of the petitioner-union with the third respondent herein. In view of the Section 33 of the Industrial Disputes Act, pending such conciliation proceedings, the third respondent will not be empowered to alter the service conditions

4. When a conciliation proceedings touching upon the dispute is pending, a parallel adjudication on the same dispute by way of a writ petition, would not be appropriate. All the grounds raised by the petitioner touches upon their claim of employment with the third respondent. Likewise, the counter affidavit filed by the third respondent is also the same.

5. This Court is conscious of the fact that if any observations are made on the grounds and the counter averments



made, it may have a bearing on the conciliation proceedings and therefore, consciously refrains from addressing such grounds. On the other hand, if the conciliating authority is called upon to expedite the proceedings and conclude the same within a stipulated period, the ends of justice could be secured.

6. In the light of the above observations, there shall be a direction to the second respondent herein, namely the Assistant Labour Commissioner (Central), Chennai, to expedite the conciliation proceedings in Dispute No.M.8/24/2021-B3, dated 15.07.2021, and conclude the same, atleast within a period of six months from the date of receipt of a copy of this order. Till the conclusion of the conciliation proceedings, the third respondent herein shall not alter the service conditions of the employees belonging to the petitioner-union covered under the dispute.

7. The Writ Petition stands ordered, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

hvk/ata

To

- 1.The Secretary,
Government of India,
Ministry of Labour and Employment Department,
Rafi Marg, New Delhi.
- 2.The Assistant Labour Commissioner (Central),
O/o. The Deputy Chief Labour Commissioner (Central),
No.4, Haddows Road,
Shastri Bhawan,
Chennai 600 006.
- 3.The Chief Executive Officer,
Cantonment Board,
St.Thomas Mount cum Pallavaram,
Ministry of Defence,
Government of India,
St.Thomas Mount,
Chennai - 600 016.



+lcc to Mr.Balan Haridas, Advocate Sr No.54843
+lcc to King & Partridge, Advocate Sr No.54980

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RLD (CO)
PR (01/11/2021)