

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.A.No.1079 of 2020

Industrial Estate's & General Workers
Union (CITU)
Reg.No.2700/58
Rep. by its Secretary,
No.11, Lawyer Jaganathan Street,
Guindy, Chennai - 600 032. ...Appellant

Vs

1. Government of Tamil Nadu
Rep. by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai - 9.
2. The Director of Public Libraries
LLA Building,
No.737/1, Anna Salai,
Chennai - 600 002.
3. Anna Centenary Library,
Rep. by its Chief Librarian and
Information Officer,
Gandhi Mandapam Road,
Kotturpuram, Chennai - 600 085.
4. The Assistant Commissioner of Labour -3,
Kuralagam,
Chennai - 600 108. ...Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent
against the order dated 23.03.2020 made in W.P.No.33804 of 2019.

Prayer in W.P.NO.33804 of 2019:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified Mandamus, Calling for the records pertaining to the Tender Notification issued by the 3rd respondent dated 11.11.2019 in Tender No. 001/2019 in the official website of Anna Centenary Library quash the same and forbear the 3rd respondent from altering the conditions of service of 56 workmen who are members of the petitioner union and who are already employed by the 3rd respondent to carry out the same house keeping work for which the present tender notification is issued and not to dispense with or terminate their services in any manner either by displacing them with new workmen through the new contractor/outsourcing agency or otherwise, till the disputes with regard to charter of demands and bonus which are pending conciliation before the fourth respondent are settled or adjudicated and direct the fourth respondent to complete the conciliation proceedings within a specified time and to bring an amicable settlement and to submit failure report to the first respondent in the event of failure of conciliation and direct the first respondent to refer the disputes to the competent Tribunal/Labour court for adjudication.

For Appellant : Mr.V.Ajay Khose

For Respondents: Mr.V.Kathirvelu,
Special Government Pleader
for R1 & R4

Mr.C.Munuswamy,
Special Government Pleader
for R2 & R3

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

Learned counsel appearing for the appellant seeks permission to withdraw the writ petition along with the finding rendered by this Court.

2. Learned Special Government Pleader appearing for the respondents submitted that a new contractor has been awarded the tender and the work is going on. He further submitted that it is possible that some of the members of the appellant is also working under the new contractor.

3. Learned counsel appearing for the appellant submitted that liberty may be given to approach the Labour Court for appropriate orders in the event of permission being granted to withdraw the writ petition.

4. Much water has flown under the bridge. However, we are not willing to express anything on the merits of the case especially in view of the limited prayer sought for by the learned counsel appearing for the appellant before us. In such view of the matter, we are inclined to permit the appellant to withdraw the writ petition meaning thereby all the findings rendered by the learned Single Judge also would stand eschewed.

5. Accordingly, liberty is given to the appellant to approach the Labour Court, if so advised, in which case, the matter will have to be decided on its own merit without being influenced by any of the findings and observations of the learned Single Judge in W.P.No.33804 of 2019.

6. The writ appeal stands disposed of accordingly. No costs. Consequently, connected C.M.P.No.13182 of 2020 is closed. Liberty is also given to the appellant to re-open the dispute which has been stated to be closed by the fourth respondent in the light of the orders passed in this appeal.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssm

To:

1.The Secretary,
Labour and Employment Department,
Fort St.George,
Chennai - 9.

2.The Director of Public Libraries
LLA Building,
No.737/1, Anna Salai,
Chennai - 600 002.

3.The Chief Librarian and
Information Officer,
Anna Centenary Library,
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Kotturpuram, Chennai - 600 085.

4.The Assistant Commissioner of Labour -3,
Kuralagam,
Chennai - 600 108.

+1cc to the Government Pleader Sr.23362

W.A.No.1079 of 2020

pl[co]
srg 21/06/2021



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