



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.3199 of 2021

and W.M.P.(MD).No.2530 of 2021

WEB COPY

Labour Progressive Federation
rep. by its District Secretary,
S.Vincent Amaladas
Opposite to TNSSTC Town Branch,
Ramanathapuram.

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Managiri (PO),
Maruthupathi,
Karaikudi,
Sivagangai District.

2.The Joint Director,
Labour Safety & Health Department,
Madurai - 2.

3.The Deputy Director,
Labour Safety & Health Department,
District Collectorate,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to take action against the 1st respondent for shifting the F.C.Unit from Karaikudi to Devakottai, without getting order.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.D.Sivaraman for R1
Standing Counsel.

Mr.P.Kannithevan for R2 & R3
Additional Government Pleader

O R D E R

Heard Mr.G.M.Xavier, learned counsel for the petitioner, Mr.D.Sivaraman, learned Standing Counsel, appearing for the first respondent and Mr.P.Kannithevan, learned Additional Government Pleader, who takes notice for the respondents 2 and 3.



2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner is aggrieved against the management's decision to shift the F.C. Unit from Karaikudi Branch to Devakottai Branch. The first respondent management had also issued a notice, dated 14.10.2020, to the workers, seeking their opinion with regard to the intended shifting of the F.C. Unit. The present writ petition has been filed, since the petitioner trade union has opposed such decision to shift their F.C. Unit.

3.Apparently, there exists an industrial dispute between the petitioner and the respondent's management. The Industrial Disputes Act, 1947, provides a machinery for conciliation in matters, where, an industrial dispute has arisen or is likely to arise. As such, the appropriate remedy available to the petitioner is to approach the conciliation officers and this Court may not be justified in conciliating an industrial dispute or interfering with the intended decision, which would give rise to an industrial dispute. Hence, the writ petition would not be maintainable in view of the alternate remedy available to the petitioner under the Industrial Disputes Act, 1947.

4.In the light of the above observations, the petitioner is granted liberty to approach the management for bilateral talks or in the alternate, make proper application under the Industrial Disputes Act before the concerned conciliating authorities, seeking for an amicable settlement with regard to the same.

5.With the above liberty, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Managiri (PO), Maruthupathi,
Karaikudi, Sivagangai District.

2.The Joint Director, Labour Safety & Health Department,
Madurai - 2.

3.The Deputy Director,
Labour Safety & Health Department,
District Collectorate,
Sivagangai.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-6379[F] dated 22/02/2021)

+1 CC to M/s.SPL GP (SR-6446[F] dated 22/02/2021)

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KK (12.03.2021) 3P 6C