



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No.3496 of 2017

Tamil Nadu State Transport Corporation
Workers AITUC Union,
Represented by its General Secretary,
N.Mani, S/o.S.Natesan,
2A, Periyamilagu Parai,
Collector Office Road,
Thiruchirapalli.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Labour and Employment Department,
Fort St.George, Chennai-9.

2.The Tamil Nadu State Transport Corporation,
Represented by its General Manager,
Thiruchirappalli Region,
Periyamilagu Parai,
Thiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, to direct the first respondent to refer the Industrial Dispute dated 10.02.2009 for which failure report was issued by the Assistant Commissioner of Labour (Conciliation), Trichy in Na.Ka.No.129/09 dated 26.11.2011 for adjudication to the Labour Court, Trichy and further to direct the Labour Court, Trichy to dispose of the above Industrial Dispute within three months from the date of reference.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

Heard Mr.A.Rahul, Learned Counsel for the Petitioner and Mr.M.Jeyakumar, learned Additional Government Pleader for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Assistant Commissioner of Labour (Conciliation), Trichy in proceedings in Na.Ka.No.129/09 dated 26.11.2011 submitted a failure report to the First Respondent in respect of the industrial dispute raised by the Petitioner, which is a Trade Union, relating to its



members against their employer, who is the Second Respondent. In that backdrop, this Writ Petition has been filed for directing the First Respondent to refer the industrial dispute raised by the Petitioner against the Second Respondent for adjudication before the Labour Court.

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3. It is represented that during the pendency of the Writ Petition, the First Respondent by G.O.(D)No.396, Labour and Employment (B2) Department, dated 29.06.2018, has referred some of those disputes for adjudication to the Labour Court, but has declined to do so in respect of remaining matters. Learned Counsel for the Petitioner has filed a memo dated 21.04.2021 to that effect, which is placed on record.

4. In view of the subsequent events, the relief sought in the Writ Petition does not survive for consideration. However, this would not preclude the Petitioner from working out its remedies for necessary relief in respect of the matters, which have not been referred, if the Petitioner is still aggrieved, in accordance with law.

5. In the result, the Writ Petition is disposed with the aforesaid clarification. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

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

2.The Tamil Nadu State Transport Corporation,
Represented by its General Manager,
Thiruchirappalli Region, Periyamilagu Parai,
Thiruchirappalli.

+1 CC to M/s.A.RAHUL, Advocate (SR-17071[F] dated 22/04/2021)

+1 CC to M/s.SPL GP (SR-17360[F] dated 23/04/2021)

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