



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.422 of 2022

and

WMP.No.478 of 2022

Chennai Yettrumathi Valaga Uzhiyargal
Pothu Thozhilalar Sangam Reg No.1234/CPT,
Rep. By its General Secretary,
No.15, Kannan Street,
Kadaperi, Tambaram,
Chennai-600 045.

.. Petitioner

vs.

1. Government of Tamil Nadu,
Rep by its Principal Secretary,
Labour and Employment Department,
Fort St.George, Chennai-9.
2. The Commissioner of Labour,
Teynampet. Chennai-6.
3. The Industrial Tribunal,
2nd Floor, City Civil Court Buildings,
Chennai-104.
4. The Deputy Commissioner of Labour,
Conciliation-1, SIPCOT,
Irungattukttaim Sriperumbudur Taluk,
Kancheepuram District.
5. The Management of Venture Lighting
India Limited,
Rep. By its Managing Director,
Plot No.A30, D5 Phase II,
Zone -B, MEPZ, Tambaram, Chennai-45.
6. Thiru Sabu Krishnan,
Managing Director,
The Management of Venture Lighting India Limited,
Plot No.A30, D5 Phase II,
Zone -B, MEPZ, Tambaram, Chennai-45.



WEB COPY

7. Tmt.Angeline Viji Samuel,
Director Finance,
The Management of Venture Lighting India Limited,
Plot No.A30, D5 Phase II,
Zone -B, MEPZ, Tambaram, Chennai-45.
8. Thiru.K.S.S.Panikar,
President and Unit Head,
The Management of Venture Lighting India Limited,
Plot No.A30, D5 Phase II,
Zone -B, MEPZ, Tambaram, Chennai-45.
9. Thiru S.Kamban,
Joint General Manager,
The Management of Venture Lighting India Limited,
Plot No.A30, D5 Phase II,
Zone -B, MEPZ, Tambaram, Chennai-45.
10. Tmt.M.Anitha Doss,
Deputy General Manager-HR,
The Management of Venture Lighting India Limited,
Plot No.A30, D5 Phase II,
Zone -B, MEPZ,
Tambaram, Chennai-45.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1, 2 and 4 to initiate criminal prosecution against the respondents 5 to 10 and other officials of the 5th respondent company and punish them for the offences committed by them under Section 25U and Section 31 of the I.D. Act either by making complaint on their own or by authorising an officer under their control or by authorizing the Petitioner Union to file such a complaint, as per Section 34(1) read with Section 32 of the I.D. Act, within a specified time.

For Petitioner : Mr.V.Ajoy Khose

For Respondents: Mr.M.Bindran,
Additional Government Pleader for R1 & R2

Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co. for R5
R3- Labour Court

O R D E R

By consent, this Writ Petition is taken up for final disposal.



2. The prayer in the writ petition is for a Mandamus directing the respondents 1, 2 and 4 to initiate criminal prosecution against the respondents 5 to 10 and other officials of the fifth respondent company and punish them for the offences committed by them under Section 25U and Section 31 of the I.D. Act either by making complaint on their own or by authorising an officer under their control or by authorizing the Petitioner Union to file such a complaint, as per Section 34(1) read with Section 32 of the I.D. Act, within a specified time.

3. The petitioner has made a complaint dated 29.10.2021 addressed to the first respondent for initiating criminal action against the fifth respondent company and its officials for adopting unfair labour practice by transferring the members of the petitioner Association, contrary to Sections 25U, 31 and 34 of the Industrial Disputes Act, 1947 and he has filed the present writ petition seeking direction to the respondents 1, 2 and 4 to take action on the complaint dated 29.10.2021.

4. This Court has granted an order of interim injunction till 18.02.2022, on 31.01.2022 and the same was extended for a further period of two weeks on 22.02.2022 and now the matter has been listed before this Court today.

5. The learned Additional Government Pleader for the respondents 1 and 2 would submit that the petitioner's complaint dated 29.10.2021 preferred before the first respondent will be considered and appropriate decision would be taken after affording reasonable opportunity to both sides.

6. The learned counsel for the petitioner Association as well as the learned counsel for the fifth respondent/employer also agreed for the same.

7. Considering the fact that the petitioner Association has preferred a complaint dated 29.10.2021 before the first respondent alleging violation of statutory duties as contemplated under Section 34(1) read with Section 32 of the Industrial Disputes Act and also for adopting unfair labour practice by transferring the members of the petitioner Association to far away places and that the said complaint is pending before the first respondent, this Court, without expressing anything on merits, directs the first respondent to examine / consider the complaint made by the petitioner Sangam dated 29.10.2021, after affording reasonable opportunity to the petitioner as well as the private / contesting respondents 5 to 10 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is needless to say that the first



respondent shall serve notice to the parties concerned before conducting enquiry and shall take decision independently without being influenced by this order and till appropriate decision is taken by the first respondent, the parties are directed to maintain status quo.

8. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Principal Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St.George, Chennai-9.
2. The Commissioner of Labour,
Teynampet. Chennai-6.
3. The Industrial Tribunal,
2nd Floor, City Civil Court Buildings,
Chennai-104.
4. The Deputy Commissioner of Labour,
Conciliation-1, SIPCOT,
Irungattukttaim Sriperumbudur Taluk,
Kancheepuram District.

+1cc to M/s.T.S.Gopalan, Advocate, S.R.No.20220

+1cc to Mr.Ajoy Khose, Advocate, S.R.No.20564

+1cc to the Government Pleader, S.R.No.20609

W.P.No.422 of 2022

RGN (CO)
SU (01/04/2022)