



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.17700 of 2013
and M.P.No.1 of 2013

Salem Manager Maavatta
Ullatchithurai Uzhiair Sangam,
(Regd. No.922/SLM),
Rep.by its General Secretary,
No.8-B, Four Road,
Salem - 636 009.

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The Commissioner for
Municipal Administration,
Chepauk, Chennai - 600 009.

3.The Commissioner,
Salem City Municipal Corporation,
Salem - 636 001.

4.Labour Officer,
No.415, 4th floor,
District Collectorate,
Salem - 636 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 not to engage contract of labour for the work of sweeping and scavenging in 22 wards i.e.,



Ward Nos.1 to 6, 8 to 11, 34 to 37, 40, 41, 50, 51, 52 and 56 or in any other wards without complying with the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 and the provisions of Sec.9-A of the Industrial Disputes Act, 1947 and award costs.

For Petitioner : Mr.S.Ayyathurai

For Respondents: Mr.P.Ganesan,
Government Advocate [R1, R2 & R4]
No Appearance [R3]

ORDER

Apprehending that the third respondent Corporation would engage contract labourers for the post of sweepers and scavengers in their wards, the petitioner seeks for issuance of writ of mandamus to forbear the respondents from engaging such contract labourers.

2. A writ of mandamus would not be normally issued unless the aggrieved party approaches the concerned authorities, seeking for redressal of their grievances and only when such grievances are either rejected or kept pending indefinitely, this Court would interfere into the issue.

3. Furthermore, since the grievance of the petitioner touches upon the Labour Regulations, the petitioner is also required to exhaust the Conciliation Machinery provided under the Industrial Disputes Act, 1947 before approaching this Court. However, since the petitioner claims to have already approached the Conciliation Officer, this Court is of the view that the petitioner be granted with the liberty to give a representation to the respondents 1 to 3, with the consequential direction to them to consider it within a stipulated time.

4. In the light of the above observations, the petitioner is granted liberty to give a representation to the respondents 1 to 3, ventilating their grievances and on receipt of such a representation, the respondents 1 to 3 shall consider it on its own merits and give a reply in accordance with law, atleast within a period of twelve (12) weeks, from the date of receipt of such representation.



5. This Writ Petition stands ordered accordingly. No costs.
Connected miscellaneous petition is closed.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Pns

To

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The Commissioner for
Municipal Administration,
Chepauk, Chennai - 600 009.

3.The Commissioner,
Salem City Municipal Corporation,
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4.The Labour Officer,
No.415, 4th floor,
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Salem - 636 001.

+1cc to Mr.S.Ayyathurai, Advocate Sr.20966
+1cc to the Government Pleader Sr.21720

W.P.No.17700 of 2013

gpl[col]
srg 13/04/2022