



WEB COPY



W.P.No.2628 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2628 of 2022

and

W.M.P.Nos.2779, 8533 and 13893 of 2022

1.Tholkappiar ONGC Cauvery Padugai Tempo,
Car, Ambulance Ottunar Matrum Podhu
Thozhilalargal Sangam (LLF)
Rep. by its President, Reg.No.421/2010,
No.2, East Street, Kovilpathu,
Neravy Post, Karaikal – 609 604.

2.ONGC Cauvery Project Ottunar, Cleaners,
crane Operators, Slingers and other Employees Union (CITU),
Rep. by its General Secretary, Reg.No.66/2006
No.2, Ariyapathra Pillai Street,
Nagapattinam – 611 001.

3.ONGC Oppandha Ottunar
Thozhilalar Munnetra Sangam (LPF)
Rep. by its President, Reg.No.110/2017
Neravy, Karaikal – 609 604.

... Petitioners

vs.

1.The Management of ONGC Limited,
Rep. by its Asset Manager,
Neravy,
Karaikal – 609 604.



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2.The Group General Manger – Logistics,
ONGC Limited, Neravy,
Karaikal – 609 604.

3.The Assistant Labour Commissioner – Central
(Conciliation),
DA-2, BSNL Staff Quarters, Jaya Nagar,
Reddiarpalayam,
Puducherry – 605 010.

4.The Management,
M/s South Asia Consultancy,
No.402, Orange Mall,
Nr.Chandkheda Bus Stand,
Chandkheda,
Ahmedabad – 382 424.

5.Mr.Kaliyaperumal
General Secretary,
Amma Munnetra Anna Trade Union and Manager for
M/s.South Asia Consultancy,
Anna Trade Union Building,
No.63, Aiyandar Kovil Street,
Nagai Road, Thiruvavarur – 610 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents 1, 2, 4 and 5 respondents to continue the services of the 66 workmen concerned, with the same conditions of service; not to replace them with any new drivers and not to alter their conditions of service adversely in any manner, till the dispute, which is pending in conciliation before the 3rd Respondent in Proceedings No.8/13/2021-PDY, dated 10.01.2022 is either settled under Section 12(3) of the I.D.Act and adjudicated by the competent Labour



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Court/Tribunal.

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For Petitioners : Mr.V.Porkodi

For R1 and R2 : Mr.S.Ravindran
Senior Counsel
for Mr.Mohammed Fayaz Ali

For R3 : Mr.B.Ram Prabhu (ACGSC)

For R4 : Mr.MA.Gouthaman

ORDER

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st, 2nd, 4th and 5th respondents to continue the services of 66 workmen concerned, with the same conditions of service; not to replace them with any new drivers and not to alter their conditions of service adversely in any manner, till the dispute, which is pending in conciliation before the 3rd respondent in Proceedings No.8/13/2021-PDY, dated 10.01.2022 is either settled under Section 12(3) of the I.D.Act and adjudicated by the competent Labour Court/Tribunal.



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3. When the matter was taken up for hearing, after detailed arguments advanced by the parties, the learned counsel appearing for the 4th respondent submitted that the conciliation proceedings has been initiated by the petitioner, is pending before the 3rd respondent. Therefore, the parties concerned have agreed to pass appropriate order, to conclude the said conciliation proceedings, within a stipulated time framed by this Court.

4. In view of the above said consent given by the parties concerned, this Court is inclined to direct the 3rd respondent to conclude the Conciliation Proceedings No.8/13/2021-PDY, dated 10.01.2022 in accordance with law, as early as possible, within a period of four weeks from the date of receipt of a copy of this order. The parties concerned shall cooperate for disposal of the said proceedings.



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5. With the above direction, the writ petition stands disposed of. In the meantime, the interim order of *status quo* already granted by this Court dated 10.02.2022, will be remain in force. No costs. Consequently, connected W.M.P.Nos.8533 and 13893 of 2022 are closed.

11.07.2022

Index : Yes / No
Internet : Yes / No
dm

To

The Assistant Labour Commissioner – Central
(Conciliation),
DA-2, BSNL Staff Quarters, Jaya Nagar,
Reddiarpalayam,
Puducherry – 605 010.



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D.KRISHNAKUMAR. J

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