



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.18767 of 2013

Workmen of RRB Energy Limited,
Through United Labour Federation,
Rep.by its Vice President,
No.149, IV Floor, C.J.Complex,
Thambuchetty Street,
Chennai - 600 001.

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Department of Labour and Employment,
Fort St.George,
Chennai - 600 009.

2.The Management of RRB Energy Limited,
Rep.by its Managing Director,
No.182/2, Bye-pass Road, Poonamallee,
Chennai - 600 056.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent government to initiate prosecution against the persons named in the complaint of the petitioner dated 09.02.2013, under Section 25T of the Industrial Disputes Act 1947.

For Petitioner : Mr.R.Gokul Raj

For Respondents: Mr.T.Chezhiyan

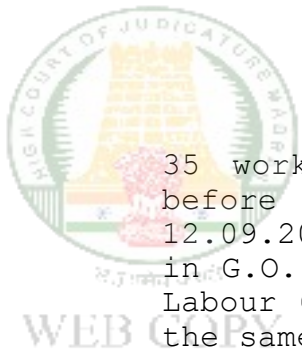
Additional Government Pleader for R1

Mr.Anand Gopalan for

M/s.T.S.Gopalan & Co. for R2

ORDER

Alleging that the Management/second respondent had discharged 35 of its workmen without enquiry, the petitioner seeks for a direction to the Government to initiate prosecution against the Management for unfair labour practices under Section 25-T of the Industrial Disputes Act, 1947. It is seen that in connection with the dispute relating to the dismissal of these



35 workmen, the petitioner trade Union had raised a dispute before the Investigation Officer, which ended in failure on 12.09.2011. Thereafter, the Government through its order passed in G.O.(D).No.135, dated 23.03.2013, had made a reference to the Labour Court, which was taken on file in I.D.No.300 of 2012 and the same is now pending adjudication.

2. The prayer sought for in the present writ petition seeking for prosecution under Section 25-T of the Industrial Disputes Act, depends on the fact as to whether the dismissal was by way of victimization or not in good faith, etc. When this issue itself is pending adjudication before the Labour Court, the prayer sought for in the present writ petition, cannot be granted until the industrial dispute attains finality. Nevertheless, if the petitioner is granted liberty to workout their remedies in accordance with the award to be passed in the Industrial Dispute, the ends of justice could be secured.

3. In the light of the above findings, the writ petition stands dismissed with liberty to the petitioner to work out their remedies in accordance with the award to be passed in I.D.No.300 of 2012. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Secretary,
Government of Tamil Nadu,
Department of Labour and Employment,
Fort St.George,
Chennai - 600 009.

2. The Managing Director,
Management of RRB Energy Limited,
No.182/2, Bye-pass Road, Poonamallee,
Chennai - 600 056.

+1cc to M/s.T.S.Gopalan & Co, Advocate, S.R.No.21142
+1cc to the Special Government Pleader, S.R.No. 21721

W.P.No.18767 of 2013

SKM(CO)
CT 18/04/2022