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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

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THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.40054 of 2016

and

W.M.P.No.34098 of 2016

Tamil Nadu General Workers Union,
Chennai Airport Contract Workers Unit,
(Car Parking Services Workers Division),
Represented by its General Secretary,
Regn. No. 289/CPT,
K.T.K Thangamani Illam,
2/1, Kovur Vaidyanathan Street,
Chintadripet,
Chennai - 600 002.

...Petitioner

-vs-

1. Government of India,
Represented by its Secretary,
Ministry of Labour and Employment Department,
Rafi Marg,
New Delhi.
2. The Assistant Labour Commissioner (Central)
O/o. The Deputy Chief Labour Commissioner (Central),
No. 4, Haddows Road,
Shastri Bhavan,
Chennai - 600 006.
3. Airports Authority of India,
Represented by its Airport Director,
Chennai Airport,
Meenambakkam,
Chennai - 600 027.
4. The Management,
Garuda Aviation Services Private Ltd.,
C/o. Chennai Airport,
Meenambakkam, Chennai - 600 027.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Third and Fourth Respondent from altering the service conditions of the members of the Petitioner



union whose names are given in the Annexure to the Writ Petition in any manner including discontinuance of service or failing to provide employment in any manner without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Disputes dated 28.09.2016 raised by the Petitioner union regarding absorption of services of the employees, wages revision and other charter of demands which are pending conciliation before the Second respondent as dispute No. M.8/16/2016-B3 and further direct the Second Respondent to conciliate and effect settlement and if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act and in turn direct the First Respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.

For Petitioner : Mr. Balan Haridas

For Respondents : Mr. A.Kumaraguru (for R1 and t2)

No appearance (for R3 and R4)

O R D E R

Heard Mr. Balan Haridas, Learned Counsel for the Petitioner and Mr. A.Kumaraguru, Learned Counsel for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2.The Writ Petition has been filed to forbear the Third and Fourth Respondent from altering the service conditions of the members of the Petitioner union whose names are given in the Annexure to the Writ Petition in any manner including discontinuance of service or failing to provide employment in any manner without getting permission under Section 33 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short), in the industrial disputes dated 28.09.2016 raised by the Petitioner Union regarding absorption of services of the employees, wages revision and other charter of demands which are pending conciliation before the Second Respondent in dispute no. M.8/16/2016-B3 and to consequently direct the Second Respondent to conciliate and effect settlement and if no settlement is forthcoming, to submit failure report under Section 12(4) of the Act and in turn direct the First Respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.

3.Learned Counsel for First and Second Respondents submits that the conciliation proceedings no. M/8/16/2016.B3 has been disposed in December 2017 and he has also made an endorsement to that effect in the court record. In view of the same, nothing



remains for further consideration in the Writ Petition.

4. In fine, the Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. Government of India,
Represented by its Secretary,
Ministry of Labour and Employment Department,
Rafi Marg, New Delhi.
2. The Assistant Labour Commissioner (Central)
O/o. The Deputy Chief Labour Commissioner (Central),
No. 4, Haddows Road, Shastri Bhavan,
Chennai - 600 006.
3. Airports Authority of India,
Represented by its Airport Director,
Chennai Airport, Meenambakkam,
Chennai - 600 027.

+1cc to Mr.A.Kumaraguru, Advocate, S.R.No.36983

W.P. No. 40054 of 2016

SR-II(CO)
RGA(27/06/2022)