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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

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

W.P. No.42500 of 2016

and

W.M.P. No.36394 of 2016

Puthiya Jananayaga Thozhilalar Munnani,
(Regn. No. 43/TVR)
Bharath Textiles Branch,
Represented by its Secretary,
No. 43, Kallur Village,
Arani Post, Gummidipoondi Taluk,
Tiruvallur District - 601 101.

...Petitioner

-vs-

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

2. The Assistant Commissioner of Labour (Conciliation) - 2
Kuralagam,
Chennai - 600 108.

3. The Management,
Bharath Textiles & proofing Ltd,
No. 994 Suravari Kandigai Village,
Siru Puzhal Pettai Post,
Gummidipoondi Taluk,
Tiruvallur District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, forbearing the Third Respondent management from altering the service conditions of the members of the Petitioner union whose names are annexure to this petition in any manner including discontinuance of their services, engaging outsiders in the production activities or removing the materials, machinery or closing the factory or any act which will make result in non-employment to them, without getting prior permission under Section 33 of the Industrial Disputes Act, 1947 in the Industrial Dispute raised by the Petitioner Union in A/8591/2016 dated 24.10.2016 questioning the



lay-off which are pending conciliation before the Second Respondent and further direct the conciliation officer viz., Second Respondent to conciliate and effect settlement under Section 12(3) and if no settlement is forth coming to submit failure report under Section 12(4) of the Industrial Disputes Act, 1947 and in turn direct the First Respondent to refer the dispute for adjudication before the competent adjudicator.

For Petitioner : Ms. Thamarai Selvi

For Respondents : Mr. M.R.Gokulakrishnan
Additional Government Pleader
(for R1 & R2)
No appearance (for R3)

O R D E R

Heard Ms. Thamarai Selvi, Learned Counsel for the Petitioner and Mr.M.R.Gokulakrishnan, Learned Additional Government Pleader appearing 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 Respondent management from altering the service conditions of the members of the Petitioner Union whose names are annexed to this petition in any manner including discontinuance of their services, engaging outsiders in the production activities or removing the materials, machinery or closing the factory or any act which will result in non-employment to them without getting prior permission under Section 33 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the ID Act' for short) in the industrial dispute raised by the Petitioner Union in A/8591/2016 dated 24.10.2016 questioning the lay-off which are pending conciliation before the Second Respondent and further direct the Second Respondent (Conciliation Officer) to conciliate and effect settlement under Section 12(3) of the ID Act and if no settlement is forthcoming, to submit failure report under Section 12(4) of the ID Act and in turn direct the First Respondent to refer the dispute for adjudication before the competent adjudicator.

3.Learned Counsel for the Petitioner submits that the matter has been settled out of court and nothing remains for further consideration in this Writ Petition and she has also made an endorsement to that effect in the court record.



4. In fine, the Writ Petition is dismissed as infructuous. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. Government of Tamil Nadu,
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Chennai - 600 009.
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Kuralagam,
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Siru Puzhal Pettai Post,
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Tiruvallur District.

+1cc to Mr.Suresh Sakthi Murugan, Advocate, S.R.No.37204

+1cc to the Government Pleader, S.R.No.37645

W.P. No. 42500 of 2016

SR-II(CO)
RGA(28/06/2022)