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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.24802 OF 2018

AND

W.M.P.NOS.28851 & 36415 OF 2018

Tamil Nadu General Workers Union,
Chennai Airport Contract Workers Unit
House Keeping Division,
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.BVG India Limited,
Represented by its Manager,
3/20, Balaraman Garden Road,
Parthasarathy Nagar,
Manapakkam,
Chennai 600 116.



5. Service Master Clean,
represented by its Manager,
(AN SIS Group Enterprises),
3rd Floor, Salman SVP Arcot,
333/188, Arcot Road,
Kodambakkam,
Chennai 600 024.

... Respondents

PRAYER : This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, forbear the 4th & 5th respondents 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 Dispute dated 14.09.2018 raised by the petitioner union regarding absorption of services of the employees, which are pending conciliation before the 2nd respondent as dispute No.M.8(36)/2018-B4 including replacing the members of the petitioner Union with another set of employees termed to be contract employees and further direct the 2nd 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. Balanharidas
For R1 & R2	:	Mr. V. Ashok Kumar Central Government Standing Counsel
For R3	:	Fr. Xavier Arulraj, Senior Counsel, for Ms. A. Arulmary
For R4 & R5	:	No appearance

O R D E R

The prayer sought for in the present writ petition has become infructuous since the dispute that was pending before the Assistant Labour Commissioner (Central) had ended in a failure, vide failure report dated 05.12.2019 and the same has been forwarded to the appropriate Government. In case no further proceedings have been initiated under Section 10 of the Industrial Disputes Act, the appropriate Government shall endeavour to do so at the earliest, in any event within a period of three months from the date of receipt of a copy of this order.



2. Accordingly, this Writ Petition stands dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

Dua

To

1. The Secretary,
Government of India,
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. The Airport Director,
Airports Authority of India,
Chennai Airport,
Meenambakkam, Chennai 600 027.

+1cc to Ms.A.Arulmary, Advocate Sr.No.2511

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GPL (CO)
RVM(31/01/2022)