



W.P.No.31040 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.31040 of 2022
and
W.M.P.No.30442 of 2022

JK Tyre and Industries Limited,
Chennai Tyre Plant,
Sriperumbudur - Tambaram Road (SH-110),
Kolathur Village,
Sriperumbudur Taluk,
Kancheepuram Dist 602 105,
Rep. by its Vice President - Works.

... Petitioner

Vs.

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

2.The Joint Commissioner of Labour - II,
(Conciliation Officer),
D.M.S. Complex,
Teynampet, Chennai - 600 006.

3.The Asst. Commissioner of Labour (Conciliation I),
SIPCOT Office, Irungattukottai,
Sriperumbudur, Kancheepuram.



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4.JK Tyres Thozhilalargal Sangam - CTP,
Rep. by the Secretary,
21B, Vilakkdaikoil Street,
Kancheepuram - 631 501.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to consider the e-mail representation of the petitioner dated 16.11.2022, initiate appropriate action against the office bearers of the 4th respondent for indulging in an illegal strike in factory premises of petitioner at J.K.Tyre and Industries Ltd., Chennai Tyre Plant Sriperumbudur-Tambaram Road (SH-110), Kolathur Village, Sriperumbudur Taluk, Kancheepuram District - 602 105 contrary to the provisions of the Industrial Disputes Act.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co.

For Respondents : Mr.G.Nanmaran
Special Government Pleader
for R1 to R3

Mr.N.G.R.Prasad
for Mr.S.Sivakumar
for R4

ORDER

The petitioner Management has filed this Writ Petition, challenging the strike called for by the respondent Union, on the ground that pending



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conciliation proceedings before the Labour Officer, the respondent Union ought not have called for strike. According to them, it is arbitrary and illegal. Admittedly, conciliation proceedings are pending before the Labour Officer with regard to the bonus issue for which the respondent Union is representing before the Labour Officer to protect the interest of the workers employed in the petitioner Management.

2. The petitioner and the respondent Union have now arrived at a final settlement, under which the petitioner Management has accepted to pay a sum of Rs.31,500/- as bonus to each of the employees for the A.Y. 2021 - 2022, for whom the respondent Union represents. The same has also been accepted by the fourth respondent through its counsel Mr.N.G.R.Prasad.

3. During the pendency of this Writ Petition, three of the office bearers of the respondent Union were suspended from service. But thereafter their suspension order were withdrawn by the petitioner Management on 24.11.2022. Since the parties have completely settled the dispute amongst themselves, this Writ Petition is disposed of in terms of the



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Joint Memorandum filed by the respective counsels appearing for the respective parties before this Court today. However, it is made clear that the respondent Union, if it desires to declare strike in the near future, they shall declare the same only in accordance with law. Similarly, the petitioner Management if it desires to declare Lock-out, they shall do so only in accordance with law.

4. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

02.12.2022

Index : Yes/No
Speaking Order : Yes / No
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To

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ABDUL QUDDHOSE. J.,

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