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WP.No.10744 of 2016

In the High Court of Judicature at Madras

Dated : 13.7.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.10744 of 2016
& WMP.No.9380 of 2016

Steel Plant Employees' Union,
rep.by its General Secretary,
Salem-636030.

...Petitioner

Vs

1.The Government of India, rep.
by its Secretary, Ministry of
Labour & Employment, Shram Shakti
Bhavan, Rafi Marg, New Delhi-110001.

2.The Regional Labour Commissioner
(Central), No.26, III Block, 5th Floor,
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai-6.

3.Steel Authority of India Ltd.,
rep.by its General Manager
(Personnel & Administration),
Salem Steel Plant), Salem-636030.

...Respondents

PETITION under Article 226 of The Constitution of India praying for
the issuance of a Writ of Mandamus directing the 2nd respondent



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Commissioner to close the conciliation proceedings relating to dispute No.M.5(12)2016-B2 dated 22.2.2016 and to submit a failure report to the 1st respondent Ministry and the 1st respondent, in turn, to refer the dispute for adjudication before the Central Government Industrial Tribunal-Cum-Labour Court, Chennai and to dispose of the same within a time frame to be fixed by this Court until then not to implement the proposed change in service conditions introduced by the 3rd respondent Management on 20.1.2016.

For Petitioner	:	Mr.V.Govardhanan for M/s.Row and Reddy
For Respondent-2:		No appearance
For Respondent-3:		Mr.Shivathanu Mohan for M/s.S.Ramasubramaniam Associates

ORDER

This is a petition filed by the petitioner seeking a direction to the second respondent to close the conciliation proceedings relating to dispute No.M.5(12)2016-B2 dated 22.2.2016 and to submit a failure report to the 1st respondent, which, in turn, is sought to refer the dispute for adjudication before the Central Government Industrial Tribunal-cum-Labour Court, Chennai and dispose of the same within a time frame to be fixed by this



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Court and also for a further direction not to implement the proposed change in service conditions introduced by the 3rd respondent Management on 20.1.2016 till then.

2. The facts leading to filing of this case are as follows :

(i) The petitioner is a registered trade union representing more than 500 members employed in the third respondent plant. There are about 950 workmen in the third respondent plant. That apart, there are staffs and officers employed there.

(ii) In pursuance of the circular issued by the Corporate Office on 19.1.2016, the third respondent issued a circular on 20.1.2016 as to the admissibility of house rent allowance (HRA). Based on that, it was made clear that (1) in cases where both the spouses are employed in the third respondent plant and are posted at the same location, only one of them will be paid the HRA; and (2) in cases where one spouse is employed in the third respondent plant and the other in the Government or Public Sector Undertaking (PSU) or any other organization and if they are in the same location, the HRA will be paid only when the spouse is not drawing the



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house rent allowance from the Government or PSU or other organization where he is she is employed. The employees of the third respondent plant were also directed to submit a declaration on or before 28.1.2016 as to drawal of HRA by their spouses from their employers so as to avail the HRA from the third respondent plant. However, some of the employees had not responded to the said circular.

(iii) The petitioner sent a representation on 27.1.2016 on behalf of the employees to the third respondent plant raising objections for withdrawal of the said circular. Since the third respondent plant did not respond to that, the petitioner raised an industrial dispute before the second respondent. After issuance of notice, the third respondent plant appeared before the second respondent on 22.2.2016 and stated that it was a decision of the Corporate Office and as such, they did not have any locus standi to interfere with that decision. The matter was further adjourned to 04.3.2016.

(iv) The grievance of the petitioner is that though the conciliation proceedings were initiated as early as on 08.2.2016, the third respondent plant proceeded to implement the proposed change in the service conditions. Therefore, seeking to close the conciliation proceedings before the second



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respondent and to refer the matter to the Central Government Industrial Tribunal-cum-Labour Court, Chennai, the petitioner is before this Court.

3. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the second respondent to close the conciliation proceedings and to submit a failure report before the the first respondent and the first respondent may be directed to pass appropriate orders within the reasonable time frame that may be fixed by this Court.

4. On the above contentions heard the learned counsel appearing for the third respondent and perused the materials placed on record.

5. In view of the limited relief sought for by the petitioner, this Court directs the second respondent to forward the report before the first respondent if not already forwarded within a period of two (2) weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to pass appropriate orders within a period of six (6)



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weeks thereafter, enabling the petitioner to file revision in terms of 2k of the Industrial Disputes Act, 1947.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

13.7.2023

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Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No

To

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of Labour & Employment, Shram Shakti
Bhavan, Rafi Marg, New Delhi-110001.

2.The Regional Labour Commissioner
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