



Writ Petition No.15338 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Writ Petition No.15338 of 2015

& MP Nos.1 &2 of 2015

Pudhiya Jananayaga Thozhilalar Munnani
Manatec Electronics Branch,
rep. by its General Secretary,
Regn.no.1656/RTU/2014,
No.18, 14th Cross Street,
Pudhu Nagar,
Bahourpet,
Bahour Post,
Puducherry-607 402

..Petitioner

vs.

1.The Government of Puduchery,
Labour and Employment Department,
Gandhi Nagar,
Pondicherry.

2.The Officer of the Labour Officer(Conciliation),
15, First Floor, Nehru Nagar
Puducherry- 605 011

3.The Management,
Manatec Electronics Pvt. Limited,
C-22 & 23, Industrial Estate,
Thattanchavady,
Puducherry- 605 009.

... Respondents



Writ Petition No.15338 of 2023

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the 3rd respondent from altering the service conditions of the members of the petitioner union whose names are given in the Annexure to the affidavit filed in support of the writ petition in any manner including discontinuance of service or failing to provide employment in any manner or transferring their services without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Disputes raised by the petitioner union regarding the change in service conditions and unilateral transfer of employees to another State with a malafide intention which is pending conciliation before the second respondent as dispute no.361/LO(C)/AIL/2015 dated 17.04.2015 regarding the illegal transfer of the employees with a malafide intention by changing their service conditions who are concerned in this writ petition, whose names are given in the annexure of the affidavit 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 1st respondent to refer the dispute for adjudication before the competent industrial Adjudicator.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.Djearany, GA for RR1 & 2
Mr.T.P.Manoharan for R3



WEB COPY



Writ Petition No.15338 of 2023

ORDER

This writ petition has been filed by the Trade Union represented by the General Secretary seeking for issuance of a Mandamus to forbear the 3rd respondent from altering the service conditions of the members of the petitioner union, whose names are given in the Annexure to the affidavit filed in support of the writ petition, in any manner including discontinuance of service or failing to provide employment in any manner or transferring their services without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Disputes raised by the petitioner union regarding the change in service conditions and unilateral transfer of employees to another State with a malafide intention which is pending conciliation before the second respondent as dispute no.361/LO(C)/AIL/2015 dated 17.04.2015 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 1st respondent to refer the dispute for adjudication before the competent industrial Adjudicator.



Writ Petition No.15338 of 2023

WEB COPY

2.It is submitted by the learned counsel for the petitioner that the Government has passed G.O.Rt.No.03/AIL/LAB/T/2016 dated 13.01.2017 referring the dispute to the Industrial Tribunal for adjudication and thereby on account of such referring the dispute to the Industrial Tribunal, this petition has become infructuous.

3. Learned counsel for the third respondent would submit that out of 44 employees in the petitioner Union, 40 of them had resigned and 4 of them had left service, thereby the petitioner Trade Union has become defunct and the matter has been referred to the Industrial Tribunal as per G.O.Rt.No.03/AIL/LAB/T/2016 dated 13.01.2017.

4.In view of the above submission, if cause still survives and if the petitioner Trade Union is inclined to proceed with the same, the petitioner Trade Union is at liberty to work out its remedies in the manner known to law.



Writ Petition No.15338 of 2023

WEB COPY 5.This Writ Petition is disposed of, with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

06.11.2023

Index : Yes/No
Speaking order: Yes/No
dn

To

1.1.The Government of Puduchery,
Labour and Employment Department,
Gandhi Nagar,
Pondicherry.

2.The Officer of the Labour Officer(Conciliation),
15, First Floor, Nehru Nagar
Puducherry- 605 011

3.The Management,
Manatec Electronics Pvt. Limited,
C-22 & 23, Industrial Estate,
Thattanchavady,
Puducherry- 605 009.



WEB COPY



Writ Petition No.15338 of 2023

Dr.D. NAGARJUN, J

dn

Writ Petition No.15338 of 2015

06.11.2023