



W.P.No.14715 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14715 of 2016

General Secretary
Ambattur Industrial Engineering
Employees Union – CITU (Regd. No.182/MDS),
No.8, Ramachandra Street,
Venkatapuram,
Ambattur,
Chennai – 600 053.

... Petitioner

Vs.

1.The Presiding Officer,
I Additional Labour Court,
High Court Compound,
Chennai – 600 104.

2.The Management,
TOLL India Logistics Pvt. Ltd.,
No.9-A, Puzhal – Ambattur High Road,
Puzhal,
Chennai – 600 066.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records from the first respondent relating to the Award in I.D.No.509 of 2010 dated 08.10.2014 and quash the said Award dated 08.10.2014 and consequently direct the second respondent to provide employment to the workmen concerned as drivers.



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For Petitioner : Mr.S.Ayyathurai
For Respondents : Mr.S.Sai Prasath for R2
for M/s.Sai Raaj Associates

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records from the first respondent relating to the Award in I.D.No.509 of 2010 dated 08.10.2014 and to quash the same and to consequently direct the second respondent to provide employment to the workmen concerned as drivers.

2.The facts of the case is that some of the members of the petitioner union were transferred to places outside Chennai and aggrieved by the same, the petitioner raised dispute before the Assistant Labour Commissioner (Conciliation II), Kuralagam, Chennai under Section 2(k) of the Industrial Disputes Act. The Assistant Labour Commissioner (Conciliation II) conducted conciliation proceedings and since no settlement was arrived at, the Assistant Labour Commissioner (Conciliation II) sent his conciliation report to the Government on 09.06.2009 and the Government referred the dispute before the first respondent for adjudication and the first



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respondent took the dispute on its file as I.D.No.509 of 2010 and after hearing either side, passed the impugned order. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, the second respondent Management terminated the members of the petitioner union and hence, no further adjudication is necessary in this writ petition. However, liberty may be granted to the members of the petitioner union for claiming the gratuity amount in the manner known to law.

4.In view of the above, this writ petition is dismissed as infructuous. However, liberty is granted to the members of the petitioner union to work out their remedy in the manner known to law with regard to other benefits. No costs.

04.07.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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M.DHANDAPANI,J.
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To

- 1.The Presiding Officer,
I Additional Labour Court,
High Court Compound,
Chennai – 600 104.

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