



WEB COPY



W.P.No.19933 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19933 of 2013
and M.P.No.1 of 2013

New Democratic Labour Front,
Kamaz Vectra Motor Limited Branch,
Rep. by its Secretary,
Reg.No.24/KRI,
L-416, ASTC Old HUDCO,
Hosur – 635 109.

...Petitioner

-Vs-

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

2. The Labour Officer,
Krishnagiri.

3. The Management,
Kamaz Vectra Motor Ltd.,
No.7 & 8, SIPCOT,
Hosur – 635 109.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, forbear the third respondent from
altering the service conditions of the members of the petitioner union



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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 transferring or failing to provide employment in any manner without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Disputes raised by the petitioner which are pending conciliation before the second respondent as dispute No.Na.Ka.No. A/424/12/ (regarding not extending the wage increase as per the 12(3) Settlement to the junior Employees), dispute Na.Ka.No.A/622/12 (regarding discontinuance of two hours permission in a month), dispute Na.Ka.No.A/722/12 (regarding recovery from wages without giving adequate manpower agreed under the 12(3) settlement) and dispute Na.Ka.No.A/723/2012 (regarding the illegal transfer orders) and further direct the second 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.A.Suresh Sakthi Murugan

For Respondents

For R1 & R2 : Mr.K.H.Ravikumar
Government Advocate

For R3 : Mr.Sanjay Mohan
For M/s.Ramasubramanian Associates

ORDER

The writ petition has been filed to forbear the third respondent from altering the service conditions of the members of the



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petitioner union in any manner including discontinuance of service or transferring or failing to provide employment in any manner without getting permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Disputes raised by the petitioner which are pending conciliation before the second respondent.

2. Heard the learned counsel appearing on either side and perused the material placed before this Court.

3. On perusal of the counter affidavit filed by the third respondent revealed that the Management had not altered the service conditions without complying Section 33 of the Industrial Dispute Act. Further out of 11 employees whose names are mentioned in the annexure, their suspension was revoked and they were paid all the benefits for their suspension period. Thereafter, they were retrenched along with other workmen as on 31.07.2015.

4. Insofar as the disputes which were pending before the second respondent, they were ended in failure on 18.10.2013 itself.



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Therefore, the same were referred for adjudication before the Labour Court, Salem, as follows:-

Dispute No	Dispute in regard to	Date of failure report	Date of reference	I.D. Number
Na.Ka.No.A/424/12	Wage increase as per the 12(3) Settlement to the junior Employees	18.10.2013	05.05.2014	I.D.No.60 of 2014
Na.Ka.No.A/622/12	Discontinuance of two hours permission in a month	18.10.2013	09.05.2014	I.D.No.62 of 2014
Na.Ka.No.A/722/12	Recovery from wages without giving adequate manpower agreed under the 12(3) settlement	18.10.2013	09.05.2014	I.D.No.61 of 2014. The case has been disposed in favour of the respondent.
Na.Ka.No.A/723/2012	Transfer orders of 5 operators	18.10.2013	26.06.2014	I.D.No.102 of 2014
Na.Ka.No.A/875/2012	Engaging of fixed term employees	18.10.2013	09.05.2014	W.P.No. 16577 of 2014 Pending in the High Court, Chennai.



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WEB COPY 5. Recording the above facts, the Writ Petition stands closed.

Consequently, connected miscellaneous petition is also closed. There shall be no order as to cost.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

1. The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St. George,
Chennai – 600 009.
2. The Labour Officer,
Krishnagiri.
3. The Management,
Kamaz Vectra Motor Ltd.,
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