



WEB COPY



W.P.No.16392 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16392 of 2016

and

W.M.P.Nos.14184 and 14185 of 2016

All India Central Council of Trade unions (AICCTU),
Represented by
A.S.Kumar,
Deputy General Secretary,
No.1/10, 11th Street,
Karunanithi Nagar,
Ayanavaram,
Chennai – 600 023.
Petitioner

...

Vs.

1. The Principal Secretary,
Labour and Employment,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2. The Labour Commissioner,
D.M.S.Compound,
Chennai – 600 006.

... Respondents



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PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records in Letter No.W2/16177/2015 dated 13.04.2016 of the second respondent and quash the impugned para 3 of the second respondent Letter No.W2/16177/2015 dated 13.04.2016 inasmuch as it further down the representation of the petitioner not to divert the funds of the Construction Labour Fund in Tamil Nadu to the Industrial Training Institutes.

For Petitioner : Mr.S.Kumarasamy

For Respondents : Mr.S.John J.Raja Singh
Addl. Government Pleader for R2

ORDER

This Writ Petition has been filed to call for the records in Letter No.W2/16177/2015 dated 13.04.2016 of the second respondent and quash the impugned paragraph No.3 of the said letter dated 13.04.2016.

2. The learned counsel appearing for the petitioner submits that the petitioner is the All India Central Council of Trade union (AICCTU) and the petitioner Union made a representation to the Government not to utilize construction Labour Welfare Fund for any other purpose other than the welfare of the construction worker, however no order was passed. Hence, the



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petitioner Union filed a Writ Petition in W.P.No.9758 of 2015 before this Court. This Court by order dated 02.02.2016 issued a direction to the second respondent to consider the petitioner's representation dated 09.05.2014, 31.10.2014 and 06.01.2015, pursuant to which, the present impugned order was passed. Challenging the same, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner further submits that though five issues were raised before the second respondent, except the third issue, namely, diverting the construction labour fund towards establishing ITI's, the petitioner is satisfied the answer given by the second respondent to the other issues.

4. The learned Additional Government Pleader appearing for the second respondent in paragraph No.5 of the counter affidavit states that the Construction Labour Welfare fund has not been diverted to Industrial Training Institutes as alleged by the petitioner. He further states that the



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Government of Tamil Nadu vide G.O.(Ms)No.27, Labour and Employment (S1) Department, dated 20.02.2018, accord sanction for a sum of Rs.50.00 Crores (Rupees Fifty Crores Only) for upgrading the 37 existing Government Industrial Training Institutes from State fund instead of Tamil Nadu Construction Workers Welfare Board Fund based on the proposal of the second respondent and instructions issued by the Government of India in the Letter No.Z-20011/08/2014-BL, dated 07.06.2016. Hence, no further adjudication is required to be raised in this Writ Petition.

5. Recording the said submission made by the learned Additional Government Pleader, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.07.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

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