



Writ Petition No.5736 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HONOURABLE DR. JUSTICE D.NAGARJUN

Writ Petition No.5736 of 2023

&

WMP No.5734 of 2023

The Transport and Dock Workers Union,
rep. by its General Secretary,
Regn. no.3171/1961,
no.193 B, Railway Colony,
Gandhi Irwin Road,
Egmore,
Chennai-600 008

..Petitioner

vs.

1.The Government of India,
rep. by its Secretary,
Ministry of Labour,
Shram Mantralaya,
New Delhi-110 001

2.The Deputy Chief Labour Commissioner(Central),
5th Floor, "A" Wing,
Shastri Bhawan,
No.26, Haddows Road,
Chennai-600 006

3.The Assistant Labour Commissioner(Central),
Office of the Deputy Chief Labour Commissioner(Central),
5th Floor, "A" Wing,
Shastri Bhawan,



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No.26, Haddows Road,
Chennai-600 006

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4.Chennai Port Authority,
rep. by its Chairman,
no.1, Rajaji Salai,
Chennai-600 001

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to forbear the respondents 4 & 5, from altering the service conditions of the 15 employees, who are members of the petitioner Union, and whose names are given in the annexure to the writ petition in any manner including discontinuance of service without getting permission under Section 33 of the Industrial Disputes Act, 1947 in the Industrial Dispute dated 25.01.2023 raised regarding regularization of 15 employees shown in the Annexure to the writ petition and other demands, which is pending conciliation before the 3rd respondent as dispute no.M2/5/2023 B3 and to direct the third respondent to conciliate the dispute and effect settlement and if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act to the first respondent and in turn direct the first respondent Government to refer the dispute for adjudication before the competent adjudicator.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.Prasad Vijayakumar, SPCCG for R1 to
R3
Mr.R.Karthikeyan, for R4 & R5



ORDER

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This writ petition has been filed seeking for issuance of a Mandamus, to forbear the respondents 4 & 5, from altering the service conditions of the 15 employees, who are members of the petitioner Union, whose names are given in the annexure to the writ petition in any manner including discontinuance of service without obtaining permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Dispute raised regarding regularization of 15 employees, which is pending conciliation before the 3rd respondent as dispute no.M2/5/2023 B3 and further to direct the third respondent to conciliate the dispute and effect settlement and that if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act, to the first respondent and in turn direct the first respondent Government to refer the dispute for adjudication before the competent adjudicator.

2.Heard both sides.

3. In view of the submissions made by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the first



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respondent and on considering the fact of dismissal of W.P.No.29424 of 2014 as withdrawn, this Writ Petition is disposed of, directing the first respondent to refer the dispute for adjudication before the Competent Authority Adjudicator as expeditiously as possible within a period of eight weeks from the date of receipt of a copy of this order. Further, it is directed that the order of *status quo* already granted, shall continue until adjudication is completed, insofar as the 15 employees belonging to the petitioner's Union is concerned. No costs. Consequently, connected miscellaneous petition is closed.

13.12.2023

Index : Yes/No
Speaking order: Yes/No
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Dr.D. NAGARJUN, J



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