



W.P.No. 8713 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.8713 of 2023

and

W.M.P.No.8902 of 2023

Podhu Thozhilalar Sangam (Regn No.504/CPT)
Rep by its General Secretary, Mr. A. Jenitton
No.77, AJ Complex, Sriperumbudur,
Kanchipuram District – 602 105.

.. Petitioner

Versus

1. State of Tamil Nadu
Represented by the Secretary
Labour and Employment Department,
Secretariat, Chennai – 600 009.

2. The Assistant Commissioner of Labour,
Sriperuambudur, Kancheepuram District.

3. The District Collector,
Kancheepuram District.

4. The Superintendent of Police,
Kancheepuram district.

5. The Management of
Mentor Printing and Logistics Pvt. Limited
No. B- 49, B-50 and B-51, SIPCOT Industrial Park,
Irungattukottai – 602 117, Sriperumbudur Taluk,
Kanchipuram District.

.....Respondents



W.P.No. 8713 of 2023

WEB COPY

Prayer: This Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the fifth Respondent to act upon the advice given by the second respondent in proceedings No. AA/53/2023 dated 10.03.2023 and pass orders.

For Petitioner :Mr.K.C. Karl Marx

For Respondents 1 - 4 :Mrs. Akila Rajendran
Government Advocate

For Respondents- 5 :Mr.K.M.Vijayan Senior Advocate
for Mr. K.M. Associates

ORDER

This writ petition is filed seeking for issuance of a writ of Mandamus directing the fifth Respondent to act upon the advice given by the second respondent in proceedings No. AA/53/2023 dated 10.03.2023.

2. The facts of the case is that the 5th respondent company is engaged in the business of printing and logistics by name and style



W.P.No. 8713 of 2023

WEB COPY

Mentor Printing and Logistics Pvt. Limited. The workmen of the said company addressed their grievances to the Management, who have not turned up. Hence the petitioner union raised a 2(K) dispute before the second respondent/ Deputy Commissioner of Labour-I, Irungattukottai for wage Revision and seeking to recognize the office bearers of the union as protected workmen. The grievance of the petitioner is that due to the Industrial dispute prevailing between the workers and the Management, the Management suspended 5 office bearers of the union. Thereafter conciliation was held on 08.12.2022 and the Management agreed to revoke the suspension of the workers but not acted to do so. Hence the petitioner union decided to protest against the Management. Thereafter, the 5th Respondent agreed to revoke the suspension order of 51 workers in the conciliation held on 10.03.2023. Again the workers were not allowed to Board the bus on 11.03.2023 and 13.03.2023. Hence this petition.

3. The learned counsel appearing the petitioner submits that in order to put a quietus to the issue, the workers went to work after the conciliation is over but, they were not allowed to do so, inspite of the fact



W.P.No. 8713 of 2023

WEB COPY

that in the conciliation the Management agreed to settle the issue amicably and they will permit the workers to continue the work. The said act of the Management is illegal. He further submits that the demands raised by the union are reasonable one and they have not involved in any illegal activities against the Management.

4. The learned Government Advocate appearing for the Respondents 1 to 4 submitted that due to the Industrial dispute prevailing between the Management and the workmen a suit was filed before the Principal Sub Judge, Kancheepuram and interim injunction was also granted in favour of the Management. She further submitted that the second respondent vide order dated Na.Ka.No.A/53/2023 dated 10.03.2023 informed the petitioners to continue their duty but the workers have not turned up.

5. The learned counsel appearing for the 5th Respondent filed a counter wherein it has been stated that 5 office bearers of the union were put on suspension due to their illegal act of siphoning and disclosing confidential information which is against Personal Data Protection



W.P.No. 8713 of 2023

WEB COPY

Policy. He further submitted that despite Management requested the workmen to join the duty they were refusing and continuing the strike illegally within the premises, due to which the management was put a great loss and due to the said act of the workers the reputation of the management was greatly affected.

6. Heard both sides and perused the materials available on record.

7. On perusal of records it is seen that there was a dispute between the Management and the workmen and conciliation process also has been initiated but the said process was not fruitful. Due to the said dispute number of workmen was jobless and it also pertinent to note that the goodwill and reputation of the Management was also affected. Considering the said aspect, this Court is of the view, that it is left open to the parties concerned to approach the authorities once again with their demands. The authorities i.e Respondents 1 to 4 who are responsible, shall initiate conciliation process once again and thereafter, the Respondents 1 to 4 shall pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



W.P.No. 8713 of 2023

WEB COPY

8. With the above observations this writ petition is disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed.

19.06.2023

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

1. The Labour and Employment Department,
Secretariat, Chennai – 600 009.

2. The Assistant Commissioner of Labour,
Sriperuambudur, Kancheepuram District.

3. The District Collector,
Kancheepuram District.

4. The Superintendent of Police,
Kancheepuram district.

5. The Management of
Mentor Printing and Logistics Pvt. Limited
No. B- 49, B-50 and B-51, SIPCOT Industrial Park,
Irungattukottai – 602 117, Sriperumbudur Taluk,
Kanchipuram District.



WEB COPY



W.P.No. 8713 of 2023

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.8713 of 2023
and
W.M.P.No.8902 of 2023

19.06.2023