



W.P.No.10175 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

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Pandian Chemicals,
Naam Thamizar Thozilalar Thozirsangam,
Reg. No.319 CDR,
No.15, Pudu Nagar,
Selangkuppam,
Cuddalore - 607 003.
Rep. by its President

... Petitioner

Vs.

1. The Secretary to the Government,
Labour Department,
Government of Tamilnadu.
 2. The Labour Officer Conciliation,
Assistant Commissioner of Labour,
Cuddalore District,
Tamilnadu.
 3. The Management,
Pandian Chemicals Ltd.,
SIPCOT, Cuddalore - 607 005.
- Respondents

...



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the 2nd respondent to submit failure report on the Industrial Dispute between the petitioner and the 3rd respondent, with regard to non payment of Dearness Allowance, variable Dearness Allowance and suspension of the petitioner union President Suganesan and illegal transfer of the office bearers of the petitioner Union 1) Ganesh Pandian 2) Vijay 3) Jagajeevanraj 4) Vignesh, and on receipt of such a report direct the 1st respondent to refer the said dispute before the concerned Court for adjudication, within a stipulated period.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents
For R1 and R2 : Mr.D.Gopal,
Government Advocate

For R3 : Mr.J.Prakasam for
Mr.M.N.Ramkumar

ORDER

When the matter is taken up for hearing, Mr.D.Gopal, learned Government Advocate appearing for the respondents 1 and 2 contended that as regards the payment of Dearness Allowance, variable Dearness Allowance, the Government has passed an order in G.O(D).No.523, Labour Welfare and Skill Development Department (B2) Department,



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dated 20.11.2021 stating that there is no necessity to refer this issue before any Authority for adjudication.

2. As far as the suspension and order of transfer of Suganesan, Vijay and Jagajeevanram are concerned, the Government had already referred the dispute to the Labour Court, Cuddalore vide G.O(D).No.28, Labour Welfare and Skill Development Department (B2) Department, dated 22.01.2021 and G.O(D).No.522, Labour Welfare and Skill Development Department (B2) Department, dated 20.11.2021.

3. The respondents 1 and 2 have not raised any objection with regard to the transfer of Ganesh Pandian and Vignesh as they had given an undertaking that they are ready to work in the transferred place. Hence, nothing survives for further adjudication in the matter. However, the learned counsel for the petitioner sought liberty to challenge G.O(D).No.523, Labour Welfare and Skill Development (B2) Department, dated 20.11.2021.



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4. In view of the above, the Writ Petition is dismissed.

However, it is open to the petitioner to challenge the Government Order in G.O(D).No.523, Labour Welfare and Skill Development Department (B2) Department, dated 20.11.2021 in the manner known to law. No costs.

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Index: Yes/No

Speaking/Non-Speaking order
vum

To

1. The Secretary to the Government,
Labour Department,
Government of Tamilnadu.
2. The Labour Officer Conciliation,
Assistant Commissioner of Labour,
Cuddalore District,
Tamilnadu.

R. HEMALATHA, J.



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