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W.P.No.9552 of 2019
and W.M.P.Nos.10169, 13706 & 19271 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

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

W.P.No.9552 of 2019
and W.M.P.Nos.10169, 13706 & 19271 of 2019

The Assistant General Manager (General)
Food Corporation of India
Regional Office (Tamilnadu)
8, Sathyamurthy Road,
Chetpet, Chennai - 31

... Petitioner

Vs.

1.The Deputy Chief Labour Commissioner (Central),
Shastri Bhavan, Vth floor,
'A' Wing, 4, Haddows Road, Chennai.

2.The General Secretary,
FCI United Employees Union,
No.8, FCI Road, Chathiram,
Pattabiram, Chennai – 72.

3.FCI Workers Union,
58/1, Diamond Harbour Road,
Kolkatta – 700 023, West Bengal.

4.The President,
Tamil Nadu FCI Workers Union,
No.50, Parvathi Illam,
Amman Koil Street,
Dr.Ambedkar Nagar,
Pattabiram, Chennai – 72.



W.P.No.9552 of 2019
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5. The Covenor,
FCI Labour Federation,
7/2, Darma Kanakkammal Street,
West Mambalam, Chennai - 33

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the first respondent proceedings No.M.15(14)/2018-D1 dated 25.02.2019 and to quash the same.

For Petitioner : Mr.S.Vijayakumar, Senior Counsel
For R1 : Mr.J.Madanagopal Rao
Standing Counsel
For R3 : Mr.R.Srinivas

ORDER

The petitioner is a statutory Corporation engaged in the activities of procurement, movement of food grains as entrusted by the Government of India from time to time. The first respondent took cognizance of the representations given by the fourth respondent Union under Section 29 of the Industrial Disputes Act and issued a notice dated 30.07.2018 calling upon the present writ petitioner for a joint discussion. In response to the said notice, the petitioner through his officers submitted the objections. It was contended by the petitioner that all the labourers covered in I.D.Nos.39/1992 & 55/1993 were already brought under the



Direct Payment System (DPS) with effect from 01.05.1996. A meeting was also convened on 25.02.2019 and the petitioner's representatives attended the meeting and submitted paper publications issued from 21.11.2018 to 24.11.2018 in all states of South Zone and also the details of applications received from the respective workers. After the publication was effected, it was found that though there were 7061 petitions from the workmen received by the Food Corporation of India claiming arrears it was found that only 4142 workers alone were eligible for availing service benefits from the date of notification. However, the first respondent took hasty action directing petitioner Corporation to implement the Award by observing thus :

"5.The Award dated 19.12.1997 of Industrial Dispute No.39/1992 at para 14 clearly speaks only of regularizing the workers. Therefore, the Dy. CLC (C) advised the management of FCI to provide all benefits of regularization and departmentalization of the workers covered by the Awards from the date of notification, i.e. 28.02.1990 with all attendant benefits. The management is advised to implement the Award on these lines to all covered workers and their legal heirs immediately but on or before 29.03.2019.

6.In case, the management of FCI fails to implement the Award as stated above, legal action shall be initiated against



W.P.No.9552 of 2019
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Shri.D.V.Prasad, Managing Director of FCI, without further notice."

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Initially, the Food Corporation of India challenged the Award passed in I.D.No.39/1992 & 55/1993 by way of filing a writ petition before this Court in W.P.Nos.11416/1999 & 12416/1999. Both the writ petitions were dismissed as against which Writ Appeal Nos.3382/2003 & 3383/2003 were filed by the writ petitioner. The writ appeals were also dismissed and the SLP before the Hon'ble Supreme Court Civil Appeal No.10511/2011 was dismissed. Since the order of the Labour Court was not complied with, a Contempt Petition (Civil) No.404/2019 was filed in which it was observed thus :

"25.Suffice it to observe that no case for initiating contempt action against the respondent Corporation and its officers has been made out. We need not, therefore, analyse any other aspect of the matter, which would require rewriting of the judgments on the basis of which this contempt action has been instituted. That cannot be countenanced in contempt proceedings."

It is the contention of the counsels appearing on both sides that all the workers were regularized and the Award passed by the concerned authorities were duly complied with. In the circumstances, there is no



W.P.No.9552 of 2019
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reason to initiate action against the present writ petitioner under Section 29 of the Industrial Disputes Act.

2. Accordingly, the action initiated by the first respondent vide its proceedings in No.M.15(14)/2018-D1 dated 25.02.2019 is quashed and the Writ Petition is allowed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

17.11.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.

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W.P.No.9552 of 2019
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