



W.P.No. 10466 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

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

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Workmen of Gnutti Carlo India Private Limited,
Through United Labour Federation
Represented by its President,
4th Floor, CJ Complex, 149,
Thambuchetty Street, Chennai – 600 001

.. Petitioner

Versus

1. Director of Industrial Safety and Health
(Formerly known as Chief Inspector of Factories)
No.47/1, Sidco Industrial Estate,
(Near Metro Water Roundana).
Guindy, Chennai – 32.

2. Deputy Director of Industrial Safety and Health
1st Circle, Sathuvacherri, Vellore District – 632 009.

3. Assistant commissioner of Labour (conciliation)
combined Labour Office, Melmonovoor
Abdullapuram, Vellore District- 632 010.

4. Assistant Commissioner of Labour (Conciliation)
Combined Labour Office, Melmonovoor, Abdullapuram,
Vellore District – 632 010.



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4. The Management of Gnuttu Carlo India Private Limited

Represented by its Managing Director,

Plot No.A 25, Engineering SEZ, Phase-III,

Mukundrayapuram Village, Ranipet – 632 405

.....Respondents

Prayer: This Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the first and second Respondents to take action on the complaints of the petitioner dated 17.10.2019 to ensure that the Management does not evade the procedure of Labour Welfare Proceedings by engaging the trainers and using them as substitute for terminated workers and issue appropriate orders.

For Petitioner :Mr. V. Prakash, Standing Counsel

For Respondents 1 - 3 :Mrs. Akila Rajendran
Government Advocate

For Respondents-4 : Mrs.Kaviya Silambanan

ORDER

This writ petition is filed seeking for issuance of a writ of Mandamus directing the first and second Respondents to take action on the complaints of the petitioner dated 17.10.2019 to ensure that the



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Management does not evade the procedure of Labour Welfare Proceedings by engaging the trainers and using them as substitute for terminated workers.

2. The facts of the case is that the 4th respondent is a manufacturer of components for tractors by name and style Deutzs Fahr India. The workmen of the said factory are exploited by poor payment of wages and precarious employment status. Therefore, all the workmen joined the Petitioner union and communicated their grievances to the Management. However, the Management did not respond to the demands raised by the workmen instead of that they terminated some workers. Subsequently the Management filed a W.P before this court in W.P.No.19186 of 2019 and obtained an interim order by raising false claims that the workmen are causing law and order problems. When this being the case, it was to the shock and surprise that the management recruited new hands and designated them as “trainee” under National Employability Employment Mission Scheme (herein after as “ NEEM). Aggrieved over the said Act of the management the Petitioner Union preferred a complaint before the first and second respondents on 17.10.2019. In response to the same a



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representative of the first respondent namely Director of Industrial Safety and Health visited the office but not submitted any report till date. The Management has also terminated 79 workers who are the Members of the petitioner's Union. Hence this petition.

3. The learned counsel appearing the petitioner submits that even though the new hands recruited by the Management come under the category of trainee namely NEEM they are placed as Regular workers. He further submits that they have approached the Management legally and there was no agitation or strike. Whiles the Management has not come forward to address their grievance and involved in the act of retrenchment. Hence prays this Court is issue a direction to the Management to grant the needs of the workmen.

4. The learned Government Advocate appearing for the Respondents 1 to 3 have filed a counter wherein it has been stated that the inspection was done on 22.12.2019 and 24.06.2020 and during the said Inspection the Management of Gnutti Carlo India Private Limited was called upon to produce the necessary records regarding the



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employment of all employees on the regular rolls of the company, NEEM scheme and the Labour employed through contractors by this establishment. It has been further stated that the said company have recruited new persons as trainee to undergo Industrial Orientation and Training under the NEEM Scheme and the said Scheme is an instrument of the All-India Council of Technical Education and the first and second respondents are not a competent authority under the said scheme to act upon the implementation upon the scheme.

5. The learned counsel appearing for the fourth respondent had filed a counter wherein it has been stated that the services of the certain workmen who worked under contract basis were not required due to the huge economic downturn in the automobile industry. Consequently, the contractor, ceased to engage such of these labour and there was no “employer-employee” relationship between the workmen and the Respondent/Management. He further submitted that the Joint Director of Industrial Safety and Health had inspected the establishment, but not communicated adverse finding. This being the case there was no merits or substance in the contentions of the writ petition and the same may be dismissed as infructuous.



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

7. On perusal of records it is seen that the Management has implemented a scheme to impart training under the scheme named as NEEM for the development of the Organization. The first and second respondents/ Director of Industry Safety and Health have also not submitted any report regarding the Management and the same was also affirmed by the Fourth Respondent in their counter. On the side of the petitioner union, there is no materials regarding the adverse action taken by the Management against the work men or initiation of retrenchment policy by the Management.

8. In view of the above, this Court directs the authorities concerned to furnish a copy of the report to the petitioner union within a period of six weeks from the date of receipt of a copy of this order and on receipt of the copy of the report, the petitioners union is at liberty to challenge the same if they are aggrieved, shall proceed further in the manner known to law.



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9. With the above observations this writ petition is disposed of.

No order as to costs.

19.06.2023

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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