



W.P.No.30717 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.30717 of 2016 and
W.M.P.No.26610 of 2016 and W.M.P.No.37840 of 2018**

Tamil Nadu General Workers Union,
Chennai Airport Contract Workers Unit,
House Keeping Division,
Registration No.289/CPT,
K.T.K.Thangamani Illam,
2/1, Kovur Vaidanathan Street,
Chintadripet, Chennai - 600 002.

... Petitioner

Vs.

1. The Government of India,
Represented by its Secretary,
Ministry of Labour and Employment Department,
Rafi Marg, New Delhi.
2. The Assistant Labour Commissioner (Central),
Office of the Deputy Chief Labour Commissioner (Central),
No.4, Haddows Road,
Shastri Bhavan, Chennai - 600 006.
3. Airports Authority of India,
Represented by its Airport Director,
Chennai Airport, Menambakkam,
Chennai - 600 027.



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4. The Management,
M/s.Upshot Utility Service,
H/20, Jeevanandam Salai, 13th Sector,
K.K.Nagar,
Chennai - 600 078.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents 3 and 4 from altering the service conditions of the members of the petitioner Union whose names are given in the Annexure to the Writ Petition in any manner including discontinuance of service or failing to provide employment in any manner without getting permission under Section 22 of the Industrial Disputes Act, 1947, in the Industrial Disputes dated 25.07.2016 raised by the petitioner Union regarding absorption of services of the employees, wages revision and other charter of demands which are pending conciliation before the second respondent as dispute No.M8/11/2016-B3 and further direct the second respondent to conciliate and effect settlement and if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act and in turn direct the first respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.P.R.Ramesh Babu
Senior Govt. Counsel for R1&R2
Fr.Xavier Arul Raj, Senior Counsel
for Ms.A.Arul Mary for R3
Not ready notice - R4



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ORDER

The petitioner is the Union espousing the cause of house keeping workers engaged in House Keeping Division for Chennai Airport Contract Workers Unit. The petitioner seeks to forbear the respondents 3 and 4 from altering the service conditions of the members of the petitioner Union whose names are given in the Annexure to the Writ Petition in any manner including discontinuance of service or failing to provide employment in any manner without getting permission under Section 22 of the Industrial Disputes Act, 1947, in the Industrial Disputes dated 25.07.2016 raised by the petitioner Union regarding absorption of services of the employees, wages revision and other charter of demands which are pending conciliation before the second respondent as dispute No.M8/11/2016-B3 and further direct the second respondent to conciliate and effect settlement and if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act and in turn direct the first respondent to refer the dispute for adjudication before the competent Industrial Adjudicator.



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2. The case of the petitioner is that the employees of the petitioner

Union were working in the Chennai International Airport, Chennai Domestic Airport and the Housing Quarters of the Officers of the third respondent for more than fifteen years and the third respondent instead of engaging employees on permanent basis, had entered into contract with the fourth respondent. It is the grievance of the petitioner Union that the employees are being paid very meager wages and without any leave facilities and other benefits. Hence, the petitioner Union has raised Industrial Dispute on 02.08.2016 with regard to the demands of the employees and particularly absorption of the employees in the services of the third respondent. In the meantime, the third respondent proceeded to dispense with the services of the fourth respondent had another contract for the house keeping workers. The grievance of the petitioner is that in case the new contract is engaged, that will result in loss of employment for all the members in the petitioner Union and the livelihood will be put at stake. It is also the grievance of the petitioner Union that the second respondent has not yet proceeded with the conciliation proceedings and arrived at a



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settlement nor the second respondent has submitted a failure report. Hence, the learned counsel for the petitioner Unions seeks indulgence of this Court to grant an order of forbearing from altering the service conditions of the members of the petitioner Union.

3. The learned counsel for the petitioner has filed typedset of documents containing various documents including the Charter of Demand submitted by the petitioner Union dated 25.07.2016.

4. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

5. This Court is of the opinion that since the Charter of Demand dated 25.07.2016 is yet to be considered by the third respondent, this Court feels that ends of justice would be met and it would be suffice that the third respondent / Airports Authority of India is directed to consider the Charter



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of Demand submitted by the petitioner Union on 25.07.2016 and consider their case on merits and in accordance with law. In any event, the third respondent / Airports Authority of India shall come to a conclusion and pass final orders on the Charter of Demand dated 25.07.2016 within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the third respondent / Airports Authority of India shall not venture into any action altering the service conditions of the members of the petitioner Union. The status quo as on today shall continue till the disposal of the Charter of Demand by the third respondent / Airports Authority of India.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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