



W.P.No.12455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12455 of 2023
and
WMP.Nos.12282 & 12286 of 2023

Tamilnadu Gas & Petroleum Workers Union,
Rep. by its General Secretary,
VPC Ninaivagam, 39-E, Cinema Nagar,
Chinneri Vayal Kadu, Salem – 636 009.

...Petitioner

Vs.

1. The Government of India
Rep. by its Secretary,
Ministry of Labour,
J696+QP4, Shram Shakti Bhawan,
Rafi Marg, New Delhi – 110 001.
2. The Deputy Chief Labour Commissioner-Central,
Sastri Bhavan, No.26, Haddows Road,
Chennai – 600 006.
3. The Assistant Labour Commissioner-Central-I,
Office of the Deputy Chief Labour Commissioner-Central,
Sastri Bhavan, No.26, Haddows Road,
Chennai – 600 006.
4. The Assistant Labour Commissioner-Central-II,
Office of the Deputy Chief Labour Commissioner-Central,
Sastri Bhavan, No.26, Haddows Road,
Chennai – 600 006.



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WEB COPY

5. The Assistant Labour Commissioner-Central,
Jaya Nagar West Main Road,
Jaya Nagar West, Reddiyarpalayam,
Puducherry – 605 009.
6. The Regional Labour Commissioner-Central,
Kanaga Apartments,
Suite No.3, 1st Floor, 13-A, Lady Doak College Road,
Chinna Chokkikulam, Madurai – 625 002.
7. Indian Oil Corporation Ltd.,
Rep. by its Executive Director,
Marketing Division, Indian Oil Bhavan,
139, Uthamar Gandhi Salai, Chennai – 600 034.
8. The Plant Manager,
LPG Bottling Plant,
Indian Oil Corporation (SAP No.4174),
Post Box No.001, Odiyampet Villianur,
Puducherry – 605 110.
9. The General Manager,
Ennore LPG Bottling Plant (SAP No.4171),
Indian Oil Corporation,
Athipattu, Chennai – 600 120.
10. The General Manager,
Chengalpattu LPG Bottling Plant,
Indian Oil Corporation,
71/2, GST Road, Kolambakkam(Via),
Padalam X road, Maduranthakam (Taluk),
Chengalpattu – 603 308.
11. The Deputy General Manager,
Trichy LPG Bottling Plant (SAP No.4187),
Indian Oil Corporation,
Inamkulathur, Trichy – 621 303.



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12. The General Manager,
Madurai LPG Bottling Plant (SAP No.4175),
Indian Oil Corporation,
Kaladipatti post, Silukkuvarpatti (via),
Dindigul – 624 215.
13. The Chief Plant Manager,
Erode LPG Bottling Plant (SAP No.4177),
Indian Oil Corporation, SIPCOT Perundurai,
Erode District – 638 052.
14. The Deputy General Manager,
Coimbatore LPG Bottling Plant (SAP No.4179),
Indian Oil Corporation,
Kinathukadavu, Pollachi (Tk), Coimbatore – 642 109.
15. M/s. Santhosh Engineering & Services,
Rep. by its Proprietor Mr.Krishnamoorthy,
135, 3rd Cross street, Rail Senthil Nagar,
East Urappakkam, Chennai – 603 210.
16. M/s. ASK Agencies,
Rep. by its Managing Partner Mr. Ravi @ Kannusamy.
No.56, Davey & Co Lane,
Hotel Shree Murugan Building, Railway Station opposite,
Coimbatore – 18.
17. M/s. Vishal Testing & Services,
Rep. by its Managing Partner Mr.Murugan,
No.1/624, BGN Apartments, Muttukadu Road,
Kottivakkam, Chennai – 600 041.
18. M/s. Amal Transport,
Rep. by its Proprietor Mr.Amalraj,
No.3A/394, Indira Nagar, FCI Godown Opposite,
Tuticorin – 628 008.



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19. M/s Arasu Enterprises,
Rep. by its Proprietor,
No.6, Thazhambu Street, JCK Nagar,
Chengalpattu – 603 002.

20. Indian Oil Contract Employees Union (IOCEU),
Rep. by its General Secretary,
139, Nungambakkam High Road,
Chennai – 600 034.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to conclude the conciliation proceedings in the disputes relating to age revision for the contract workers in the respondents LPG Bottling Plants 7-14 in File No. M.8/100/2022-B3 dated 19.10.2022 within a specified time so as to arrive at fair and amicable settlement under Section 12(3) or to submit a failure report under section 12(4) of the ID Act to the 1st respondent; direct the 1st respondent to refer the dispute for adjudication to the Central Government Industrial tribunal for adjudication under Sections 10(1)(c) & 10(1)(d) read with second proviso, within specified time as may be fixed by this Hon'ble Court and forbear the respondents 7-14 and the contractors from altering the conditions of service of the contract workers including the contract workers involved in loading and unloading work in the respondent Bottling Plants 8-14; from reducing or from paying different wages and other benefits to anyone among them till the dispute is either settled or adjudicated.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.G.Anand,
for M/s.T.S.Gopalan & Co., for R7 & R14
: Mr.C.Sivanesan, for R15 to R17
: No Appearance, for R1 - R6 & R18 - R20



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ORDER

WEB COPY Though the petitioner has come up with this Writ petition seeking larger relief, however, at the time of arguments, the learned counsel for the petitioner restricted the prayer and submitted that, it would suffice, if this Court issues direction to the 3rd respondent to conclude the conciliation proceedings as expeditiously as possible and file report before the 1st respondent, enabling the 1st respondent to refer the dispute for adjudication to the Central Government Industrial Tribunal. Learned counsel appearing for the respective respondents have not raised any objection for the limited relief sought by the learned counsel for the petitioner.

2. In view of the above, this Court, without going into the merits of the case, directs the 3rd respondent to conclude the conciliation proceedings and file appropriate report before the 1st respondent within a period of eight weeks from the date of receipt of a copy of this order, so as to enable the 1st respondent to proceed with the matter in the manner known to law. Till a decision is taken by the 1st respondent on the report, the respondent managements and the contractors are directed not to alter the conditions of service of the contract workers.



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WEB COPY 3. With the above directions, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

13.09.2023
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skt

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

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