



W.P.No.1464 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM :

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

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108 Ambulance Workers' Union, Tamil Nadu,
Represented by
R.Rajendran,
General Secretary,
Flat No.1, Abhinav Physiotherapy Clinic Building,
Meenakshinagar Bus Stop,
Post & Telegraph Nagar,
Madurai – 625 017.

... Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai – 600 009.
2. The Project Director,
Tamil Nadu Health Systems Project,
108 Ambulance Service,
DMS Office Campus,
Teynampet,
Chennai – 60 006.



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3.The Management,

G.V.K. Emergency Management & Research Institute,
Tamil Nadu Health Systems Project,
108 Ambulance Service,
DMS Office Campus,
Teynampet,
Chennai – 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in respect of the G.O.(D) No.473 dated 03.08.2016 issued by the first respondent, quash the same and consequently, direct the first respondent to refer all the remaining demands for adjudication to the Industrial Tribunal, Chennai.

For Petitioner : Mr.V.Ajoy Khose
For Respondents : Mr.M.S.Prem Kumar
Government Advocate [R1 & R2]
Mr.M.R.Gokul Krishnan [R3]

ORDER

This Writ Petition has been filed by the petitioner union seeking for a Writ of Certiorarified Mandamus, to call for the records in respect of the G.O.(D) No.473, dated 03.08.2016 issued by the first respondent, quash the same and consequently, to direct the first respondent to refer all the



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remaining demands for adjudication to the Industrial Tribunal, Chennai.

2. The case of the petitioner is that, the petitioner union is a Trade Union functioning in GVK-EMRI 108 Ambulance service, the third respondent herein and it is registered under Indian Trade Union Act, 1926. The petitioner union entered into settlements under Section 12(3) of the Industrial Dispute Act, 1947 (in short 'the ID Act') with the third respondent on various issues. The members of the petitioner union are drivers of 108 ambulance and on behalf of them, the petitioner union raised chartered demands before the conciliation officer and conciliation officer submitted a failure report before the first respondent Government. However, by way of the impugned G.O., the first respondent rejected the chartered demands made by the petitioner union. Challenging the same, the petitioner union has filed the above writ petition.

3. The learned counsel appearing for the petitioner union submitted that the rejection order has been passed by the State Government mainly on



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the ground that the chartered demands made by the petitioner union is not specific and without any details. Therefore, he submits that, this Court may permit the petitioner union to raise demand afresh before the conciliation officer within a time frame that may be stipulated by this Court and issue a direction to the conciliation officer to pass appropriate orders in terms of Section 10 of the ID Act as expeditiously as possible.

4. On the above contentions, this Court, heard the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent and perused the materials available on record.

5. Considering the limited request sought for by the learned counsel appearing for the petitioner union, this Court, without interfering with the impugned G.O., directs the petitioner union to raise demands afresh before the conciliation officer within a period of four (4) weeks from the date of receipt of a copy of this order and thereafter, the conciliation officer is



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directed to pass appropriate orders in terms of Section 10 of the ID Act as expeditiously as possible, without being influenced by the impugned G.O. in the present writ petition.

6. With the above directions, this Writ Petition is disposed of. No costs. In view of the above order passed in this writ petition since no specific direction is issued against the second respondent, this Court is of the view that, no order is necessary in the writ miscellaneous petition in W.M.P.No.2486 of 2019 seeking to delete the second respondent herein from the cause title in the above writ petition and accordingly, the same is closed.

13.09.2023

Index : Yes (or) No
Neutral Citation : Yes (or) No
Speaking Order : Yes (or) No
sp

To

1.The Secretary,
Labour and Employment Department,
Fort St. George,
Chennai – 600 009.

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M.DHANDAPANI,J.,

sp

2.The Project Director,
Tamil Nadu Health Systems Project,
108 Ambulance Service,
DMS Office Campus,
Teynampet,
Chennai – 60 006.

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