



W.P. No.4603 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. No.4603 of 2016
and W.M.P.No.3963 of 2016**

AIR India Employees Progressive Union
by its General Secretary
P. Raja,
S/o.Perumal,
No.1, 15th Street, Balaji Nagar,
Anakaputhur, Chennai 70.

... Petitioner

Vs

1. The Manager
AIR India Ltd.
AUC Building,
Contentment Pallavaram,
Chennai 43.
2. The Honourable Presiding Officer,
The Central Government Industrial
Tribunal cum Labour Court,
Chennai.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for records in I.D. No.53 of 2013 order dated 03.02.2015 on the file of the 2nd respondent herein and quash the same and further direct the 1st respondent herein to regularize the



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members of the petitioner's Union.

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For Petitioner : Mr.V.Ajay Khose for
Mr.D.Gopal
For Respondents :
R3 to R7 : Mr.N.G.R.Prasad, Senior Panel Counsel
for Central Government
R1 and R2 : Mr.K.Srinivasa Murthy

ORDER

This petition has been filed seeking to quash the impugned award dated I.D. No.53 of 2013 dated 03.02.2015 on the file of the 2nd respondent and for a consequential direction to the 1st respondent to regularize the members of the petitioner's Union.

2. The case of the petitioner is that the petitioner's Union raised 2K dispute before the Labour Court for regularization of 20 employees who were working continuously for several years in the respondent Management. After hearing of both sides, the second respondent herein, dismissed the claim petition, vide order dated 03.02.2015, made by the petitioner union by following the decision rendered by the Hon'ble Supreme court in Umadevi's case reported in 2006 (4) SCC 1. Challenging the said order dated 03.02.2015, the present writ petition has been filed.



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3. The learned counsel for the petitioner, on instructions, submitted that though the dispute raised by the Union, this Court may grant liberty to the individual workmen to file a appropriate claim petition before the appropriate forum under the Tamil Nadu Industrial Establishments (conferment of permanent status to workmen) Act 1981 for establishing their continuous employment of 480 days.

4. The learned counsel for the respondents vehemently contended that based on the materials, the Labour Court has rightly passed an award which cannot be interfered with. If this Court grants liberty to the petitioner, it will adversely affect the interest of the respondent. The learned counsel prays that the writ petition is liable to be dismissed.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court,



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without interfering with the impugned order, grants liberty to the respective workmen to approach to appropriate forum under the Tamil Nadu Industrial Establishments (conferment of permanent status to workmen) Act 1981 for establishing their continuous service of 480 days, within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such request, the concerned authority shall consider and pass orders, after providing opportunity to the workmen and the management, on merits, without influencing any observation made in the impugned order, within a period of six weeks thereafter.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

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Rli

Index: Yes/No

NCS : Yes/No



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To
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The Honourable Presiding Officer,
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M.DHANDAPANI, J.

Rli

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