



W.P.No.21721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21721 of 2023

and W.M.P.No.21082 & 21083 of 2023

HIL Limited,
Rep by its Assistant Vice President,
Mr.C.Gangadaran,
Manjankaranai Post,
Kannigaiper Village,
Uthukottai Taluk,
Tiruvallur District-601 102.

.. Petitioner

Vs.

1. Additional Chief Secretary,
Labour welfare & Skill
Development Department,
Secretariat,
Fort St.George,
Chennai-600 009.
2. The District Collector,
1st Floor, Collectorate,
Tiruvallur-601 102.
3. The Superintendent of Police,
C2 Police Sttion,
Periyapalayam,
Uthukottai (TK)
Tiruvallur-601 102.



W.P.No.21721 of 2023

5. United Labour Federation,
Represented by its President,
T.V.Paramasivam
No.111/54, Linghi Chetty Street,
Chennai-600 001.

6. M/s.Sanjay Enterprises,
Represented by Mr.R.D.Suri
Manjankaranai Post,
Kannigaiper Village,
Uthukottai Taluk,
Tiruvallur District -601 102

7. M/s.Maruthi Enterprises,
Rep by Mr.E.Ganapathy,
Manjankaranai Post,
Kannigaiper Village,
Uthukottai Taluk,
Tiruvallur District-601 102.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ or Order or Direction in the nature of Writ more particularly Writ of Mandamus directing the 1st respondent to pass orders under section 10(3) of the Industrial Disputes Act, 1947 prohibiting the illegal strike resorted by the members of the 5th Respondent union, the contract workmen of the 6th and 7th respondent as the demands of the 5th respondent union has been referred by the Government vide G.O.(D).No.337 dated 19.06.2023 and the same has been taken on record before the I Additional Labour Court, Chennai as O.P.No.179 of 2023.



W.P.No.21721 of 2023

For petitioner : Mr.M.Vijayan,
for King & Patridge
For Respondents : Mr. S.John J.Rayashingh,
Additional Government Advocate
for R1 to R4.
: Mr.S.Venkatesan for R5.

ORDER

This Writ Petition has been filed for a direction to the 1st respondent to pass orders under section 10(3) of the Industrial Disputes Act, 1947 prohibiting the illegal strike resorted by the members of the 5th Respondent union, the contract workmen of the 6th and 7th respondent.

2. It is the case of the petitioner that the petitioner company having entered into contracts with various contractors has engaged with the services of 6th & 7th respondents who are the members of the 5th respondent. Due to the dispute arose between the 6th and 7th respondents and their workmen with regard to revision of wages, conciliation proceedings were initiated before the Assistant Commissioner of Labour II, Kuralagam which



W.P.No.21721 of 2023

ended in failure. Due to the illegal strike resorted by the members of the 5th respondent the ingress and egress of the employees of the petitioner management is being affected and the manufacturing process has come to complete standstill. Aggrieved by the same, petitioner made various complaints before the respondents 3 & 4 seeking police protection protection, however, no action was taken by the police officials. It is the further case of the petitioner that the present illegal strike has been referred by the Labour Welfare and Skill Development Department vide G.O(D).No.179 of 2023 dated 19.06.2023 and the industrial dispute has been taken on record in O.P.No.179 of 2023 on the file of the I Additional Labour Court, Chennai. Aggrieved by the same, the petitioner is before this Court.

3. When the matter is taken up, learned counsel for the 5th respondent submits that the they are entitled to go for strike in terms of the Industrial Disputes Act, however, the ingress and egress of the employees of the petitioner management will not be interfered with.



W.P.No.21721 of 2023

WEB COPY

4. Recording the same, if any one creates law and order problem, liberty is granted to the petitioner management to lodge a complaint before the law enforcing agency. Upon receipt of such complaint, the law enforcing agency is directed to hear the petitioner as well as the 5th respondent and see to it that discipline is maintained at the petitioner management.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

28.07.2023

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order

NHS

Note to Office:



W.P.No.21721 of 2023

Issue order copy on 03.08.2023

M.DHANDAPANI, J.

NHS

To

1. Additional Chief Secretary,
Labour welfare & Skill
Development Department,
Secretariat,
Fort St.George,
Chennai-600 009.
2. The District Collector,
1st Floor, Collectorate,
Tiruvallur-601 102.
3. The Superintendent of Police,
C2 Police Sttion,
Periyapalayam,
Uthukottai (TK)
Tiruvallur-601 102.

W.P.No.21721 of 2023



WEB COPY



W.P.No.21721 of 2023

28.07.2023