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W.P.No.26805 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26805 of 2023
and W.M.P.No.26232 of 2023

M./s.Puducherry Manila L& T Thozilalar Munetra Sangam,
Reg No.1856 RTU/2010,
No.14 A, 2nd Floor, Kalyanasundaram st,
Kathirkaamam, Anandanagar, Puducherry,
Rep by its Secretary.

.. Petitioner

Vs.

1.The Secretary (Labour)-cum Labour Commissioner
Labour Department,
Govt of Puducherry,
Puducherry

2.The Labour Officer (Conciliation)
O/o Labour Officer (Conciliation)
Labour Department Complex,
Gandhi Nagar, Puducherry.

3.M/s.Larsen and Tourbo limited,
Construction, Building and Factories,
Unit 1 Form Work, metal shop Unit,
Unit 2 PT &D, TLT Unit,
Unit 3 Rolling Mill Unit,
No.103, Mailam to Pondy Main Road,
Karasur, Sedarapet,
Puducherry-605 111,

Rep by Head-Administration & Industrial Relations

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue an order, direction, writ more particularly a writ of in the nature of Writ of Mandamus, direct the 1st and 2nd respondent to conciliate the industrial dispute between the petitioner and the 3rd respondent Ref.No.154/LO (C)/AIL 2023 over the illegal lockout and proposed promotion cum transfer or all permanent employees of the 3rd respondent factory to other state and if no compulsory adjudication, till such time direct the 1st respondent to pass necessary order prohibiting continuation of lockout in the 3rd respondent factory in exercising the power under Section 10(3) of the Industrial Disputes Act, consequently forbear the 3rd respondent from altering the service conditions of the Petitioner Union's members in connection with the said industrial dispute in violation of Section 9A and Section 33 of the Industrial Dispute Act, 1947.

For petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.A.Tamilvanan
Additional Government Pleader (P) for R1 & R2.

ORDER

This Writ Petition has been filed for a direction to respondents 1 & 2 to conciliate the Industrial Dispute between the petitioner and the 3rd respondent or refer the matter to the Labour Court if no settlement is arrived between the parties.

2. Since, no adverse order is being passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.



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3. The petitioner is a registered trade union registered under the Trade union Act, 1926 and its members are the permanent employees of the 3rd Respondent Company. Despite rendering continuous services of 30 years, the services of contract workers of the 3rd respondent factory were not regularized. Hence, the contract workers themselves formed a trade union and raised an industrial dispute before the Conciliation Officer seeking regularization of their services which was referred by the Government to the Labour Court and the same is pending adjudication. Pending Conciliation proceedings, the 3rd respondent company had suspended the production which is lockout and denied employment to the contract workers. As against the illegal lock out of the 3rd respondent company and proposed promotion cum transfer of the permanent employees, the petitioner union raised an Industrial dispute before the 2nd respondent/Conciliation Officer which is pending consideration.

4. Though very many grounds have been raised, learned



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counsel for the petitioner union would submit that it would suffice if this Court issues a direction to the respondents 1 & 2 to conclude the conciliation proceedings between the petitioner and the 3rd respondent within the time that may be stipulated by this Court.

5. Learned counsel appearing for respondents 1 & 2 submitted that the 3rd respondent company is closed and no Industrial activities is carried on in third respondent company. However, he has no serious objections to the said order being passed submitted

6. In view of the limited relief sought for by the petitioner, this Court is without going into the merits of the case, directs the respondents 1 & 2 to conclude the conciliation proceedings between the petitioner and the 3rd respondent and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till the conclusion of the conciliation proceedings by the Respondents 1 & 2, the 3rd respondent shall not to alter the conditions of service of the contract workers without following the procedure contemplated under Sections 9A and 33 of the



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Industrial Disputes Act, if the Company survives.

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7. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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