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W.P.Nos.11482 of 2017 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

**W.P.Nos.11482, 11494, 11495, 11496 of 2017 & 11855 of 2018
& 33447, 33454 of 2019**

in

**W.M.P.Nos.12476, 12460, 12475 & 12482 of 2017 &
13840 of 2018 & 33919 and 33926 of 2019**

W.P.No.11482 of 2017:

Tamil Nadu General Workers,
Union Velan Chettiyur Tollplaza Workers,
Unit Regn. No. 289/CPT/1975,
K.T.K. Thangamani Illam, 2/1 Kovur, Vaidyanathan St,
Chintadripet Chennai -600 002.

... Petitioner in W.P.No.11482 of 2017

Vs.

1. Government of India
Rep by its Secretary,
Ministry of Labour and Employment Department,
Rafi Marg, New Delhi.
- 2 The Assistant Labour,
Commissioner (Central), DA-2 BSNL,
Staff Quarters, Jaya Nagar, Reddiarpalayam,
Puducherry 605 010.
- 3 The Project Director,
NH7 National Highway Authority of India,
Project Implementation, Unit No.7,



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Kamadenu Nagar, Karur 639 006.

- 4 The Management,
Madhucon Projects Ltd., Maducon House,
1129/A Road , No.36 , Jublee Hills,
Hyderabad 500 033
- 5 The Management (Concessionare) Madhucon Projects Ltd .,
TNKD Express Ways Ltd.,
NH7 Velan Chettiyur Tollplaza, Aravakkurichi Taluk,
Karur District 639 207.

... Respondents in W.P.No.11482 of 2017

Prayer in W.P.No.11482 of 2017: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents No.3 to 5 from altering the service conditions the members of the petitioner union whose names are given in the annexure to the writ petition in any manner including discontinuance of service or failing to provide employment in any manner without getting permission under section 33 of the industrial disputes act 1947 in the industrial disputes dated 04.10.2016 raised by the petitioner union regarding regularization of the services of the 87 employees concerned in the dispute which is pending conciliation before the 2nd respondent as No.8(43)/2016-PDY and further direct the 2nd respondent to conciliate and effect settlement and if no settlement is forthcoming to submit failure report under section 12(4) of the Industrial Disputes Act and in turn direct the first respondent to refer the dispute for adjudication before the competent industrial adjudicator.

For Petitioners : Mrs.Inthu Karunakaran

For Respondents : Mr.S.Sugendran, Addl.P.D. RR1 to 3



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COMMON ORDER

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Since the issue involved in the present writ petitions are one and the same are disposed of by way of this common order.

2. These writ petitions have been filed forbearing the respondents No.3 to 5 from altering the service conditions to the writ petition in any manner including discontinuance of service or failing to provide employment in any manner without getting permission under section 33 of the industrial disputes act 1947 in the industrial disputes dated 04.10.2016 raised by the petitioner union regarding regularization of the services of the 87 employees concerned in the dispute which is pending conciliation before the 2nd respondent as No.8(43)/2016-PDY and further direct the 2nd respondent to conciliate and effect settlement and if no settlement is forthcoming to submit failure report under section 12(4) of the Industrial Disputes Act and in turn direct the first respondent to refer the dispute for adjudication before the competent industrial adjudicator.

3. It is the case of the petitioners that the petitioners Union is registered under the Trade Union Act, 1926. There are about large number of employees



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working in the petitioner's union in various places and they are all working for a period of more than five years in contract basis. The employees have organised themselves through the petitioner Union and placed charter of demand regarding regularisation of their services and other demands. Thereby, the employees have created various illegal activities. Thereby, these writ petitions have been filed.

4. When the matters are taken up for hearing, the learned counsel for the employees submitted that there is no proposal for going to strike. In the absence of any cause of action, these writ petitions have filed.

5. Recording the said submissions, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

16.06.2023

Index : Yes / No
Speaking order / Non speaking order
Neutral Citation Case : Yes / No

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