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W.P.No.23094 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

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

W.P.No.23094 of 2017

and

WMP.Nos.24207 of 2017 & 34221 of 2019

Puthiya Jananayaga Thozhilalar Munnani
Kamaz Vectra Motors Ltd., Branch,
Rep. by its President,
Regn. No.24/KRI,
L-416, ASTC Old HUDCO,
Hosur-635 109.

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary,
Labour and Employment Department,
Fort St. George, Chennai-600 009.
2. The Managing Director,
SIPCOT Planning Registration Office,
19A, Rukmani Lakshmipathi Road,
Post Box No.7223, Egmore, Chennai-600 008.
3. The Joint Director of Industrial Safety & Health,
Mookkandapalli, Hosur-635 126.
4. The Deputy Commissioner of Labour (Conciliation)-II,
DMS Complex,
Teynampet, Chennai-600 108.



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5. The Management,
Kamaz Motors Ltd.,
No.7 & 8, SIPCOT, Hosur-635 109.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2nd & 3rd to pass orders on the representation made by the petitioner union dated 17.07.2017 and 24.07.2017 by forbearing the 5th respondent from sub-leasing/alienating the 5th respondent factory premises in favour of any other 3rd party.

For Petitioner : Mr.S.Parthasarathi

For Respondents : Mr.M.S.Prem Kumar, GA, for R1 & R4
: Mr.Sudarshana Sunder, for R2
: Mr.Vasudevan, for R5

ORDER

This Writ petition has been filed seeking direction to the 2nd and 3rd respondents to consider the petitioner union's representations dated 17.07.2017 and 24.07.2017 and to consequently, forbear the 5th respondent from sub-leasing/alienating the 5th respondent factory premises in favour of any other 3rd party.

2. The case of the petitioner is that the petitioner union is registered under the Trade Unions Act, 1926 and the members of the petitioner union are working in the 5th respondent, which is engaged in assembling of heavy load trucks. While so, in order to victimize the employees, the 5th



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respondent started transferring the employees to different places and made them do works which they were not familiar with and when they returned to Hosur, they were not given any employment. Hence, the petitioner union raised an Industrial Dispute before the Labour Officer, Krishnagiri, pending which, the 5th respondent management made attempts to discontinue the employees. Thereafter, the 5th respondent retrenched some of the employees, without obtaining prior permission from the appropriate Government under Section 25N of the Industrial Dispute Act (in short 'ID Act'). While so, pursuant to the complaint made by the petitioner union, the 4th respondent authority initiated conciliation proceedings, vide letter dated 21.03.2017 and the same is pending. Further, there are several litigations pending both before the Labour Court and before this Court. In such circumstances, the 5th respondent management is trying to sub-lease and alienate the factory premises to the 3rd party without getting permission with regard to retrenchment. Aggrieved by the same, the petitioner union several representations before the 2nd & 3rd respondents, seeking to forbear the 5th respondent management from sub-leasing the factory premises and the last representations are dated 17.07.2017 and 24.07.2017, however, till date, no orders have been passed on the same. Hence, this Writ petition.



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3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner union's representations dated 17.07.2017 and 24.07.2017 and to consequently, forbear the 5th respondent from sub-leasing/alienating the 5th respondent factory premises in favour of any other 3rd party, pending disputes.

4. On the above said contentions, heard learned counsel appearing for the respective respondents.

5. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case directs the petitioner union to send a copy of the representations dated 17.07.2017 and 24.07.2017 to the 2nd respondent along with a copy of this order. Upon receipt of the same, the 2nd respondent is directed to consider the same on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner union and aggrieved persons, if any.



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6. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

02.08.2023

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

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