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W.P.No.33200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33200 of 2023
& W.M.P.No.32907 of 2023

1. M.Sakthi
2. K.Iyyanar
3. B.Rambagadur ... Petitioners

Vs.

1. Union of India
Rep. By its Secretary to Government
Town and Country Planning Department
Chief Secretariat, Pondicherry
 2. The Chief Town Planner (Town Planning)-Cum
Vice Chairman-Building Centre, Villianur, Puducherry
 3. Building Centre
Represented by its Member Secretary
(Government of Puducherry Undertaking)
Pondy Road, Villianur, Puducherry- 605 110
 4. Labour Officer (Conciliation)
Office of the Labour Officer (Conciliation)
No.15, First Floor, Nehru Nagar, Puducherry – 605 011...
- Respondents



WEB COPY



W.P.No.33200 of 2023



W.P.No.33200 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the action of the 4th respondent refusing to take up the dispute raised by the petitioners against the respondents 1 to 3 for conciliation as illegal and consequently to direct the 4th respondent to take up the dispute between the petitioners and respondents 1-3 for conciliation and complete the conciliation within a time frame fixed by this Court.

For Petitioners : Mr.T.Saikrishnan

For Respondents : Mr.R.Sreedhar
Additional Government Pleader

ORDER

When the petitioners herein had sought for regularization of their services, through a representation and when their representation was not considered within a reasonable time, they had filed a writ petition before this Court in W.P.No.31590 of 2022 and by an order dated 25.11.2022, this Court had directed the concerned respondent to consider the representation within a stipulated time. Consequently on 28.02.2023, the second respondent had passed an order rejecting the petitioners' request for reinstatement.



W.P.No.33200 of 2023

2. When the petitioners herein had sought for raising a dispute before the Conciliation Officer, the second respondent herein had refused the request on the ground that the Conciliation Officer has no jurisdiction to take up the conciliation as the matter has already been decided by the Madras High Court.

3. I am not in agreement with the reasoning adopted by the second respondents in the impugned letter. The grievance of the petitioners before their Employer was with regard to regularization and their reinstatement. This Court had only directed the second respondent herein to consider the petitioners' representation in this regard and there was no positive finding. When the petitioners allege that they have been orally terminated from service, that would give rise to a cause of action for an industrial dispute. While that being so, quoting the earlier orders of this Court as a bar for taking up the dispute for conciliation cannot be legally sustained.

4. In this background, the impugned order dated 28.02.2023 is quashed and the petitioners are granted liberty to raise an industrial dispute for the purpose of conciliation before the fourth respondent and on the receipt of the same, the fourth respondent shall consider the same



W.P.No.33200 of 2023

on merits and in accordance with law as expeditiously as possible.

WEB COPY

5. The writ petition stands disposed of with the above direction.

No costs. Consequently, the connected miscellaneous petition is closed.

27.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

gpa

To

1. The Secretary to Government
Union of India
Town and Country Planning Department
Chief Secretariat, Pondicherry
2. The Chief Town Planner (Town Planning)-Cum
Vice Chairman-Building Centre, Villianur, Puducherry
3. The Member Secretary
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M.S.RAMESH,J.

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