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W.P.No.1960 of 2022
and W.M.P.No.2122 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1960 of 2022
and W.M.P.No.2122 of 2022

Chennai Region General Insurance
Employees' Association,
Registration No.612/MDS
Rep. by its General Secretary,
C/o. United India Insurance Co. Ltd.
Head Office, 24, Whites Road,
Chennai - 600 014.

...

Petitioner

versus

1. Government of India,
The Secretary to Government of India,
Ministry of Labour & Employment,
New Delhi - 110 001.
2. The Assistant Labour Commissioner (C), Chennai
Government of India,
Ministry of Labour and Employment
Office of the Deputy Chief Labour Commissioner (Central)
26, Haddows Road,
Shastri Bhavan, Nungambakkam,
Chennai - 600 006.
3. United India Insurance Company Limited,
Rep. by its General Manager - Personnel,
Head Office, 24, Whites Road,
Chennai - 600 014.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to take further steps on the failure report dated 21.01.2022 bearing Ref.No.M.7/45/2021 B3 submitted by the second respondent by referring the dispute for adjudication to the appropriate Tribunal/Labour Court in terms of Section 10(1) of the Industrial Disputes Act, 1947 for adjudication and consequently forbear the third respondent employer from in any manner dispensing/disturbing the employment/service of (i) N.Vijay Anand (ii) K.Suryanarayanan @ Rajan, (iii) G.Sathyanarayanan (iv) K.Chakkravarthy (v) M.Prabhakaran (vi) R.Ravi, workmen concerned till their claim for regularization in the third respondent United India Insurance Company is finally decided and to comply with the minimum wages notification issued by the Central Government from time to time till the final adjudication of the dispute regarding regularization.

For Petitioner : Mr.M.G.R.Prasad
for M/s.Row and Reddy

For Respondent Nos.1 & 2 : Mr.C.Samivel
SPCGSC

For Respondent No.3 : Mr.P.Ragunathan
for M/s.T.S.Gopalan & Co.



ORDER

The Writ Petition has been filed directing the first respondent to take further steps on the failure report dated 21.01.2022 bearing Ref.No.M.7/45/2021 B3 submitted by the second respondent by referring the dispute for adjudication to the appropriate Tribunal/Labour Court in terms of Section 10(1) of the Industrial Disputes Act, 1947 for adjudication and consequently forbear the third respondent employer from in any manner dispensing/disturbing the employment/service of (i) N.Vijay Anand (ii) K.Suryanarayanan @ Rajan, (iii) G.Sathyanarayanan (iv) K.Chakkravarthy (v) M.Prabhakaran (vi) R.Ravi, workmen concerned till their claim for regularization in the third respondent United India Insurance Company is finally decided and to comply with the minimum wages notification issued by the Central Government from time to time till the final adjudication of the dispute regarding regularization.

2. It is learnt from the submission by both sides counsel that the reference has also been made during the pendency of this writ petition and in view of that, I.D.No.16 of 2022 is pending before the Central Government Industrial Tribunal, Chennai.



3. Even though the matter has become infructuous in view of the above development, the learned counsel for the petitioner urged the Court to pass an order by ensuring the *status quo* till the disposal of the reference.

4. Attention was drawn to the earlier order passed by this Court in W.P.Nos.7689 of 2003 and 21976 2004 dated 07.01.2010 wherein this Court has observed as under:-

“11. It is made clear that the third respondent is directed to maintain the present status of the petitioners/casuals on the same terms and conditions as on date without prejudice to the contentions of the respective parties. It is brought to the notice of this Court that the petitioners have filed two miscellaneous petitions viz., W.P.M.P.Nos.38952 and 38953 of 2004 praying for issuance of a direction to the second and third respondents to sanction the adhoc bonus to them as per the office memorandum dated 30.9.2004 of the Ministry of Finance, New Delhi. This Court is of the considered view in regard to the claim of the sanction of adhoc bonus also, it is open to the parties to raise this plea before the appropriate forum and the fourth respondent is also directed to consider and refer the same, while referring the dispute of regularisation to the Central Government Industrial Tribunal by means of a composite



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single reference and upon such reference being made, the Central Government Industrial Tribunal shall consider and dispose of the same in accordance with law.”

5. In the above cases, a direction was given to the Government to refer the matter. But in the instant case, reference has already been made and the petitioner is very much entitled to the statutory protection and hence, it is needless to state that the *status quo* would be observed till the disposal of the reference.

6. With these observations, this Writ Petition is **disposed as infructuous**. No costs.

10.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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To

- 1.The Secretary to Government of India,
Government of India,
Ministry of Labour & Employment,
New Delhi - 110 001.
- 2.The Assistant Labour Commissioner (C), Chennai
Government of India,
Ministry of Labour and Employment
Office of the Deputy Chief Labour Commissioner (Central)
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