



W.P.No.11939 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.11939 of 2004

Chennai Petroleum Corporation Limited,
Manali, Chennai - 600 020.
Rep. by its Director (Operations)

... Petitioner

Vs

1. The Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
26, Haddows Road,
Shastri Bhawan,
Chennai - 600 086.
2. The Secretary to Government of India,
Ministry of Labour,
Shram Shakti Bhavan, Rafi Marg,
New Delhi - 110 001.
3. Shivas Industrial Caterers India Private Limited,
67, Kamaraj Avenue, Second Street,
Adyar, Chennai - 600 020.
4. E.Gnanadasan
5. A.M.Rajendran
6. K. Sunny Nadar



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7. A.Subramani
8. P. Malleswaran
9. B. Vijayan
10. I. Sekaran
11. S.R.Ramesh
12. P. Ravichandran
13. P.Sankar
14. J.Ramesh Kumar
15. R.Elumalai
16. K.Muthukannan
17. K. Karuppaiah
18. M.Cittybabu
19. T.Karunakaran
20. T.Babu
21. S.Kasinathan
22. A.Sadhanandam
23. A. Ganaprakasam
24. N. Udayakumar
25. K.Chelliyah
26. V.Raja
27. U.Velu
28. V.Murugan
29. A.Eruthayaraj
30. K.Ravindran
31. A.Pitchumani
32. S.Jayapal
33. I. Rajan
34. P.Divakaran
35. P.Rathinam
36. R.Karunakaran
37. R.Kathar Basha
38. R.Subamani
39. K.Kasi
40. N.Ramalingam
41. K.Gopalakrishnan
42. V.Ramamurthy



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43. K.Raja
44. M.Alagesan
45. A.Elumalai
46. V. Rajee
47. G.Venkatesan
48. P.Kalliyammal
49. G.Nagammal
50. Dhanalakshmi
51. A.Isaac
52. V.Anbu
53. E.Rajendran
54. M.Srithar
55. A.S.Manoharan
56. Manoharan
57. P.V. Anbalagan
58. S.Saravanan
59. M.Babu
60. M.Radhakrishnan
61. E.Kumar
62. V.Mani
63. S.Chandru
64. S.Dhandapani
65. P.Baskaran
66. C.Arumugam
67. P.Neelakandan
68. N.Raja
69. M.Ramamoorthi
70. M.Jaghan
71. K.Selvamani
72. R.Seetharaman
73. G.Kottaisamy
74. P.K.Dhanasekar
75. V.Ramesh
76. M.Venkatesan
77. V.Sundarraaj
78. D.Krishnan



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79. M.Ramalingam
80. M.Murugesan
81. J.Assaithambi
82. M.Nagavel
83. R.Thiyagarajan
84. K.Muthupandi
85. S.Justin
86. R.Murugesan
87. B.Pandi
88. D.Moorthi
89. K.Anandan
90. S.Ayyappan
91. A.Kannan
92. D.Sekar
93. V.Ravi
94. R.Kirubhakaran
95. E.Mani
96. G.M.Karunakaran
97. R.Yesudass
98. R.Palani
99. C.Natarajan
100. K.Ramasamy
101. V.Saravanan
102. M.Arumugam
103. A.Raman
104. A.Rajarajan
105. A.Periyasamy
106. A.Jayapal
107. K.Kuppusamy
108. R.Padmanaban
109. G.Vijayakumar
110. P.Sivaprakasam
111. D.M.Sundaram
112. R.Muthuraj
113. R.Kannan
114. R.Rajendran



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115. M.Manikumar
116. P.Manikandan
117. A.Ayyakannu
118. M.Balaraman
119. J. Anandan
120. N. Govindasamy
121. K.Gunasekar
122. V.Arumugam
123. V.Mahalingam
124. K.Shanmugam
125. K.Murugan
126. S.Velu
127. M.Boovan
128. S.Murugan
129. A.Jalal
130. L.Devadass
131. S.Natarajan
132. S.Ramesh
133. V.Shankar
134. M.Chinnan
135. E.Palani
136. C.Subramani
137. R.Gunasekar
138. S.Prabhakaran
139. M.Vetrivel
140. R.Sivakumar
141. D.Jayapal
142. V.Ramasamy
143. E.Magimai Raj
144. B.Ramu
145. V.Ramasamy
146. R.Sekar
147. P.Pothiraj
148. P.Suresh
149. P.Thangapandi
150. V.Dhanajeyan



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151. N.Dasaradhan
152. M.Senthilnathan
153. G.Ganesamoorthy
154. K.Anbu
155. S.Kumar
156. P.Ramasamy
157. V.Krishnamoorthy
158. S.Muthu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records connected with G.O.No. L-30012/41/2003 dated 27.11.2003 on the file of the second respondent and to quash the same.

For Petitioner : Mr.Sanjay Mohan
for M/s.Ramasubramaniam and Associates.

For R1 : Labour Court

For R2 : Mr.A.S.Vijayaraghavan

For R3 : Mr.G.Veerapathiran

For R4 to 12, 14 to 18, : Mr.K.M.Ramesh, Senior Counsel
20 to 22, 25 to 33, 35 to 40, for Mr.S.Kumaraswamy
42 to 44, 46 to 53, 55 to 65,
67 to 70, 72 to 84, 87 to 90,
92, 94 to 98, 101 to 111, 114,
115, 117, 119 to 127, 129 to
131, 133, 138 to 145, 148, 151 & 154



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ORDER

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The writ petition is filed challenging the Government Order in G.O.No. L-30012/41/2003-IR(M), dated 27.11.2003. By the order impugned in the writ petition, the question referred therein in the schedule is as to whether the non-employment of 155 workers by the management of Chennai Petroleum Corporation Limited, through the new contractor, Shivas Industrial Caterers India Private limited is justified, if not, to what relief they are entitled to.

2. When the matter came up for hearing, the learned counsel appearing on behalf of the workmen would submit that in this case, it seems to him that there were some connected issues which were taken up in the claim petitions under Section 33C(2) of the Industrial Disputes Act and while settling the workmen's claim, all the issues were settled and practically no issue is left between the workmen and the management.

3. Per contra, the learned counsel appearing on behalf of management would submit that this is a reference which is made pursuant to which the industrial dispute is pending in I.D.No. 297 of 2004 before the Central Government Industrial Tribunal, Chennai and therefore, it cannot be said that the matter is settled.



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4. Be that as it may, the said factor, whether anything remains or not can also be looked into by the Industrial Tribunal. In this writ petition, this Court is concerned about the validity of the Government Order referring the issue to the Industrial Tribunal. The grounds raised by the petitioner to question the order of reference are that, they cannot be considered as the principal employer and adding them as a party to the dispute is erroneous. It is now well settled that the said contentions relate to the merits of the matter and the same cannot be gone into by the Government at the time of referring the matter. It would be very well open to the petitioner management to raise this ground before the Industrial Tribunal and Industrial Tribunal will consider the same on its own merits.

5. Accordingly, finding no merits with reference to the challenge made to the Government order and keeping it open to the petitioner management to raise all the grounds in the pending Industrial Dispute, this writ petition is disposed of. No Costs.

11.12.2024

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

To

1. The Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
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Chennai - 600 086.
2. The Secretary to Government of India,
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