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W.P.No.3749 of 2024 and WMP.No.4054 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 25.03.2024**

**CORAM:**

**THE HON'BLE MRS.JUSTICE.N.MALA**

**W.P.No.3749 of 2024**  
**and WMP.No.4054 of 2024**

Dharmapuri District Milk Industries Workers Union,  
Rep. by its General Secretary,  
No.2D, Narasimman Street,  
Dharmapuri – 636 701. ... Petitioner

**Vs.**

1. Government of Tamil Nadu,  
Rep. by its Additional Chief Secretary,  
Department of Labour Welfare and Skill Development,  
Fort St. George,  
Chennai – 600 009.
2. The Commissioner of Labour,  
DMS Complex,  
Teynampet,  
Chennai – 600 006.
3. The Additional Commissioner of Labour,  
43, Balasundaram Road,  
ATT Colony,  
Gopalapuram,  
Coimbatore – 641 018.
4. The Assistant Commissioner of Labour – Conciliation,  
No.18, Sevatha Gounder Street, Kolumbu Stores Back Side,  
Bangalore Road,



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Krishnagiri – 636 501.

5. The Management of Hatsun Agro Product Ltd.,  
Kolasanahalli Palacode Taluk,  
Dharmapuri District – 636 805.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to refer the 1. dispute relating to transfer of 91 workmen in Na.Ka.No.478/2021, 2. The dispute relating to the demand for bonus and ex-gratia for the accounting year 2021 and 2022 Na.Ka.No.A/529/2022, and 3. the dispute relating to general/charter of demands regarding wage revision and other benefits in Na.Ka.No.A/592/2022, based on the failure reports dated 14.03.2022, 17.05.2023 and 04.08.2023 submitted by the 4<sup>th</sup> respondent in the above 3 Na.Ka.Nos. to the 1<sup>st</sup> respondent to the competent Labour Court/Tribunal for adjudication and to issue an order under Section 10(B) (1) (a) of the ID Act to the 5<sup>th</sup> respondent prohibiting them, either from refusing employment to the members of the petitioner Union in the original place of employment or from refusing to pay salary to the 82 workmen every month, within a specified time as may be fixed by this Hon'ble Court and also directing the 1<sup>st</sup> respondent to accord sanction and permission under Section 34(1) of the ID Act to initiate criminal prosecution against the 5<sup>th</sup> respondent Management



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and its officials who are responsible for the commission and continuance of the unfair labour practice under Section 25T read with Section 2 (ra) and Item Nos.1(a), 4(a), 5(b) and 7 in the V-Schedule of the ID Act, based on the report and recommendation made by the 4<sup>th</sup> respondent in Na.Ka.No.521, dated 31.08.2023 and to authorize any authority or official as mentioned in the said report or our union to institute such criminal prosecution before the Hon'ble Judicial Magistrate Court at Palacode, Dharmapuri District, within a specified time as may be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

For R1 to R4 : Mr.P.Sanjay Gandhi  
Government Advocate

For R5 : Mr.S.Ravindran, Senior Counsel for  
Mr.Bazeer Ahamed.

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### **ORDER**

This Writ Petition is filed directing the 1<sup>st</sup> respondent to refer the 1.dispute relating to transfer of 91 workmen in Na.Ka.No.478/2021, 2.The dispute relating to the demand for bonus and ex-gratia for the accounting year 2021 and 2022 Na.Ka.No.A/529/2022, and 3.the dispute relating to general/charter of demands regarding wage revision and other benefits in



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Na.Ka.No.A/592/2022, based on the failure reports dated 14.03.2022,

17.05.2023 and 04.08.2023 submitted by the 4<sup>th</sup> respondent in the above 3

Na.Ka.Nos. to the 1<sup>st</sup> respondent to the competent Labour Court/Tribunal for adjudication and to issue an order under Section 10(B) (1) (a) of the ID Act to the 5<sup>th</sup> respondent prohibiting them, either from refusing employment to the members of the petitioner Union in the original place of employment or from refusing to pay salary to the 82 workmen every month, within a specified time as may be fixed by this Hon'ble Court and also directing the 1<sup>st</sup> respondent to accord sanction and permission under Section 34(1) of the ID Act to initiate criminal prosecution against the 5<sup>th</sup> respondent Management and its officials who are responsible for the commission and continuance of the unfair labour practice under Section 25T read with Section 2 (ra) and Item Nos.1(a), 4(a), 5(b) and 7 in the V-Schedule of the ID Act, based on the report and recommendation made by the 4<sup>th</sup> respondent in Na.Ka.No.521, dated 31.08.2023 and to authorize any authority or official as mentioned in the said report or our union to institute such criminal prosecution before the Hon'ble Judicial Magistrate Court at Palacode, Dharmapuri District, within a specified time as may be fixed by this Court.



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2.The first respondent has produced the copy of the G.O.(D).No.208,

Labour Welfare and Skill Development Department (D1) dated 15.03.2024.

By G.O.(D).No.206 Labour Welfare and Skill Development (D1) Department dated 15.03.2024, the dispute in Na.Ka.No.A/478/2021, dated 14.03.2022 and 04.09.2023 is referred for adjudication, the dispute in Na.Ka.592/2022 dated 04.08.2023 is referred under G.O.(D).No.207 dated 15.03.2024, Labour Welfare and Skill Development Department, the dispute in Na.Ka.No.592/2022 dated 04.08.2023 under G.O.(D).No.208 dated 15.03.2024 was declined.

3.In view of the orders passed by the Government in the aforesaid Government orders, the writ petition is disposed of with liberty to both the petitioner as well as the 5<sup>th</sup> respondent to challenge the Government orders, if aggrieved. It is seen that the petitioner has sought two other reliefs in the writ petition.

4.It is submitted by the learned counsel for the first respondent that further time is needed for passing orders on the aforesaid reliefs.



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**WEB COPY** 5. In view of the submission made by the learned counsel for the first respondent a direction is issued to the first respondent to pass appropriate orders on the aforesaid two reliefs, within a period of six weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner as well as the 5<sup>th</sup> respondent, if aggrieved, by the order to be passed, may challenge the same in accordance with law.

6. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

**25.03.2024**

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order  
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To

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Rep. by its Additional Chief Secretary,  
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**N.MALA, J.**

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