



W.P.No.7591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.7591 of 2024
and W.M.P.No.8513 of 2024

Karaikal Thuraimuga Oppanda
Thozhilalalar Munnerta Sangam,
Rep. by its Secretary,
No.1/120A, Rivar Bank Street,
Melapalagam; Palagam post,
Thirumarugal,
Nagapattinam Taluk & District.

... Petitioner

Vs.

1. Government of Puducherry,
Rep. by its Secretary to Government,
Department of Ports,
Chief Secretariat,
Puducherry – 605 001.
2. The Secretary,
Government of Puducherry,
Department of Labour,
Chief Secretariat,
Puducherry – 605 001.
3. The Labour Officer (conciliation),
Office of the Labour Officer,
Government of Puducherry,
Karaikal, Puducherry Union.



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4. Karaikal Port (P) Ltd.,
Rep. by its Managing Director,
Chettinad Chambers,
3rd Floor, No.39, R.K.Salai,
5th Street, Near AVS Rajeswari Mahal,
Chennai – 600 004.

5. Shiv Engineering and Port Service Pvt., Ltd.,
No.5, 1st Floor, Maruthi Corner,
Rasapir Circle, Dhrub, Mundra,
Kutch – 370 421.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus direct the third respondent who in turn, should direct the fourth and fifth respondents to maintain status quo during pendency of the proceedings on the charter of demands and regularisation submitted by the petitioner / Union and not terminate labour contract entered into between the fourth and fifth respondents during the pendency of the conciliation proceedings, as the same would be contrary to the provision of Section 33 of Industrial Disputes Act, 1947.

For Petitioner : Mr.M.Dhamodharan

For Respondent : Mr.M.Nirmal Kumar
Government Advocate (Puducherry)
for R1 to R3
Mr.S.Bazeer Ahamed
for R4



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ORDER

Heard Mr.M.Dhamodharan, the learned counsel for the Petitioner and Mr.M.Nirmal Kumar, the learned Government Advocate (Puducherry) for R1 to R3 and Mr. S.Bazeer Ahmed, the learned counsel for the fourth respondent.

2. This writ petition has been filed seeking direction to the third respondent to maintain *status quo* during pendency of the proceedings on the charter of demands and regularisation submitted by the petitioner / Union and not to terminate labour contract entered into between the fourth and fifth respondents during the pendency of the conciliation proceedings.

3. Mr.M.Dhamodharan, the learned counsel for the petitioner, submitted that the petitioner had filed an application under Section 33A before the appropriate authority and the same is pending.

4. However, Mr.M.Nirmal Kumar, the learned Government Advocate, for the respondents 1 to 3 denied the above fact.



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5. The petitioner without invoking Section 33 A of Industrial Disputes Act, 1947, filed necessary proceedings before the Labour Officer. When the proceedings are pending before the Labour Officer, the petitioner had rushed to the Court by filing this writ petition seeking the relief of *status quo*.

6. Whatever may be the case, the petitioner is at liberty to file a fresh application under Section 33A if he intends to file any such application or in the event of such petition being filed and if it is pending before the second respondent, the third respondent shall take into consideration of the same and pass orders in accordance with law.

7. With the above observation, this writ petition is disposed. No costs. Connected miscellaneous petition is closed.

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Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To:

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Chief Secretariat,
Puducherry – 605 001.
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R.N.MANJULA, J.

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