



W.P.No.13635 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.13635 of 2020

and

WMP.Nos.16931 & 16933 of 2020

1.P.Maruthairaj

2.I.Natrajan

3.G.Yuvaraj

4.A.George Ruben

5.M.Rooba

... Petitioners

Vs.

1.Deputy Commissioner of Labour (Conciliation),
Kuralagam,
Chennai - 600 108.

2.Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
No.76, Mount Road,
Chennai – 600 032.

3.Management of Trinity Man Power Services,
No.1/70, Pazaya Velachery Road,
Pasumalai,
Madurai – 625 004.



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4. Management of Jahova Man Power Services,
No.6/2, Menchur Grammam,
Vattanam Post,
Thondi,
Ramanathapuram District.

5. Management of M.M.Enterprises,
Civil Engineering Contractor and Labour Supplier,
No.28/14, Kamaraj Nagar,
Trichy – 10.

6. Management of Nellai Service,
No.177/5B, Mariam Plaza,
Nellaiappar Main Road,
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent not to proceed with the selection process in respect of the post of Assistant (Junior Assistant) and Typist pursuant to the Advertisement Notification No.2 of 2019 issued in The Hindu Newspaper Edition dated 05.03.2020 as the same will be in violation of Sec 33 of the I.D. Act 1947 and forbear the 2nd respondent from disengaging the employment of fourteen employees whose details are given in the Annexure to the petition, without taking prior permission from the 1st respondent before whom, the petition dated 18.03.2018 for regularization of the fourteen employees is pending and further direct the 1st respondent to



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initiate conciliation proceeding on the petition for regularization and if no settlement arrived at submit failure report to the Government to refer the dispute for adjudication before the Competent industrial adjudicator.

For Petitioner : Mr.Balan Haridas

For R1 : Mr.P.Sanjay Gandhi
Government Advocate

For R2 : Ms.Vijaya Kumari Natarajan
Senior Counsel

For R3 to R6 : No appearance

* * * *

ORDER

This writ petition is filed to direct the 2nd respondent not to proceed with the selection process in respect of the post of Assistant (Junior Assistant) and Typist pursuant to the Advertisement Notification No.2 of 2019 issued in The Hindu Newspaper Edition dated 05.03.2020 as the same will be in violation of Sec 33 of the I.D. Act 1947 and forbear the 2nd respondent from disengaging the employment of fourteen employees whose details are given in the Annexure to the petition, without taking prior permission from the 1st respondent before whom, the petition dated 18.03.2018 for regularization of the fourteen employees is pending and



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further direct the 1st respondent to initiate conciliation proceeding on the petition for regularization and if no settlement is arrived at submit failure report to the Government to refer the dispute for adjudication before the Competent industrial adjudicator.

2.It is submitted by the learned counsel for the petitioners that the matter has already been referred to the Labour Court for adjudication. Hence the prayer in the writ petition has become infructuous.

3.In view of the submission made by the learned counsel for the petitioner, this writ petition stands dismissed as infructuous. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

23.02.2024

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order
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To

1.Deputy Commissioner of Labour (Conciliation),
Kuralagam,



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N.MALA, J.

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