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W.P.No.22053 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.22053 of 2024

and

W.M.P.No.24032 of 2024

The Transport and Dock Workers Union
Rep. by its General Secretary
Regn.No.3171/1961
No.193 B, Railway Colony
Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

... Petitioner

Vs.

1. Government of India,
Rep. by its Secretary,
Ministry of Labour,
Sharam Mantralaya,
New Delhi – 110 001.
2. The Assistant Labour Commissioner (C),
Office of Deputy Chief Labour (C),
No.26, “A-Wing”, 5th Floor, Shastri Bhavan,
Haddows Road, Nungambakkam,
Chennai – 600 006.
3. Chennai Port Authority,
Rep. by its Chairman,
No.1, Rajaji Salai,
Chennai – 600 001.



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4. The Chief Medical Officer (Stat)
Chennai Port Authority Hospital,
Chennai Port Authority,
No.1, Rajaji Salai,
Chennai – 600 001.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to forbear the third and fourth respondent from altering the service conditions of R.Tamarai Selvi, working as Lab Assistant / Technician in the 4th respondent, in any manner including discontinuance of service without getting permission under Section 33 of the Industrial Disputes Act, 1947 in the industrial dispute dated 15.07.2024 raised regarding regularization of R.Tamarai Selvi, which is pending conciliation before the second respondent as dispute No.2(50)/2024-B4 and to direct the second respondent to conciliate the dispute and effect settlement and if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act to the first respondent and in turn direct the first respondent Government to refer the dispute for adjudication before the competent adjudicator.

For Petitioner	:	Mr.Balan Haridas
For R1	:	Mr.M.Karthikeyan CGSPC
For R2	:	Mrs.M.Jayanthi AGP
For R3 & R4	:	Mr.R.Karthikeyan



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ORDER

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2. Mr.Balan Haridas, the learned counsel for the petitioner, submitted that in a writ petition filed before this Court seeking the same relief, this Court has disposed the same by directing the first respondent therein to refer the dispute before the Competent Authority. He further submitted that this writ petition can also be disposed on the same lines as of the order in W.P.No.5736/2023 dated 13.12.2023.



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3. The learned counsel for the respondents is also in agreement with the above submission of the learned counsel for the petitioner.

4. This Court, vide order dated 13.12.2023 made in W.P.No.5736/2023 has passed the following order:

“ This writ petition has been filed seeking for issuance of a Mandamus, to forbear the respondents 4 & 5, from altering the service conditions of the 15 employees, who are members of the petitioner Union, whose names are given in the annexure to the writ petition in any manner including discontinuance of service without obtaining permission under Section 33 of the Industrial Disputes Act, 1947, in the Industrial Dispute raised regarding regularization of 15 employees, which is pending conciliation before the 3 rd respondent as dispute no.M2/5/2023 B3 and further to direct the third respondent to conciliate the dispute and effect settlement and that if no settlement is forthcoming to submit failure report under Section 12(4) of the Industrial Disputes Act, to the first respondent and in turn direct the first respondent Government to refer the dispute for adjudication before the competent adjudicator.

2.Heard both sides.

3. In view of the submissions made by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the first respondent and on considering the fact of dismissal of W.P.No.29424 of 2014 as withdrawn, this Writ Petition is disposed



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of, directing the first respondent to refer the dispute for adjudication before the Competent Authority Adjudicator as expeditiously as possible within a period of eight weeks from the date of receipt of a copy of this order. Further, it is directed that the order of status quo already granted, shall continue until adjudication is completed, insofar as the 15 employees belonging to the petitioner's Union is concerned. No costs. Consequently, connected miscellaneous petition is closed.”

5. Since the relief sought in the present writ petition is also similar, I feel this writ petition can also be disposed in the same lines and terms adopted in the order dated 13.12.2023 made in W.P.No.5736/2023.

6. Thus, this writ petition is disposed by directing the first respondent to refer the dispute for adjudication before the Competent Authority Adjudicator as expeditiously as possible within a period of eight weeks from the date of receipt of a copy of this order and the order of *status quo* already granted, shall continue until adjudication is completed, in so far as one R.Tamarai Selvi, who is the employee belonging to the petitioner's Union is concerned. No costs. Connected miscellaneous petition is closed.

28.10.2024

Index : Yes/No

Neutral citation : Yes/No

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R.N.MANJULA, J.

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To:

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