



WEB COPY



W.P.No.2336 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 2336 of 2021

&

W.M.P.No. 2644 of 2021

The Management of Ultra Tech Cements Ltd.,
Arakonam Cements Works,
Chitheri Village, Arakonam Taluk,
Ranipet District – 631 003

...Petitioner

Vs.

1.Department of Labour and Employment
Govt. of Tamil Nadu,
Fort St. George, Chennai – 600 009.
Represented by its Deputy Secretary

2.United Labour Federation
Rep. by its Secretary,
No.149, Thambu Chetty Street,
CJ Complex, 4th Floor,
Chennai – 600 001.

3.M/s.Well Fabs



W.P.No.2336 of 2021

WEB COPY

Arakonam Cements Works,
Chitheri Village & Post,
Arakonam Taluk,
Ranipet District – 631003.

4.M/s.Abak Arakonam Cements Works,
Chitheri Village & Post
Arakonam Taluk,
Ranipet District – 631 003

5.B.K.Dilli

6.G.S.Nagarathinam

7.K.Kuppusamy Contracts Works,
No.14, Thitheri Big Street,
Chitheri Village & Post,
Arakonam Taluk, icences
Ranipet District.

8.K.Kuppan

9.J.Elampuranam

10.K.Ramesh

11.R.Thennarasu

2/11



W.P.No.2336 of 2021

12.Krishna Kottingu

WEB COPY

13.Madhu

14.Rajarani A/c Repair works,
Arakonam Cements Works,
Chitheri Village & Post,
Arakonam Taluk,
Ranipet District – 631 003.

15.The Government of India

Rep. by it Secretary,
Department of Labour and Employment,
Shrm Shakti Bhavan,
New Delhi

...Respondent

(R15 impleaded vide Court order dated 28.04.2023 in WMP.No.25027 of 2022 in WP.No.2336 of 2021).

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records connected with the order of Reference passed by the 1st respondent / Department of Labour and Employment, Government of Tamil Nadu, in GO.(D).No.544 dated 27.10.2020 and to quash the same.



WEB COPY



W.P.No.2336 of 2021

For Petitioner : Mr. Shivathanu Mohan
For M/s.S.Ramasubramaniam &
Associates

For Respondent 1: Mrs. M.Jayanthi
Additional Government Pleader

For Respondent 2: Mr. V.Prakash
Senior Counsel
For Mr. K.Sudalai Kannu

For Respondents : Mr. M.Kandasamy
3 to 6

For Respondents : Mr. R.Jayaprakash
7 & 8

For Respondents : No Appearance
9, 11 to 14

For Respondent 10: Dharanichandar

For Respondent 15: Mr. Ravi Meenakshi Sundaram
Central Government Standing
Counsel

ORDER



WEB COPY



W.P.No.2336 of 2021

The Writ Petition is filed for the following relief:

“To call for the records connected with the order of Reference passed by the 1st respondent / Department of Labour and Employment, Government of Tamil Nadu, in GO.(D).No.544 dated 27.10.2020 and to quash the same”.

2. The petitioner is a company registered under the provisions of the Companies Act. The 2nd respondent is a registered trade union. Respondents 3 to 14 are duly licenced contractors in accordance with the provisions of the Contract Labour Act and in possession of valid licences issued by the “Appropriate Government” namely the authorities constituted by the Government of India.

3. The petitioner company is a registered “Principal Employer” under Section 12 (1) of the Contract Labour (Regulation and Abolition) Act, 1970, and is a cement manufacturing industry which is a “controlled industry” as per Section 2 (a) (1) of the Industrial Disputes Act, 1947 and the Central Government is the Appropriate Government.



W.P.No.2336 of 2021

WEB COPY

4. On 09.01.2008, the 2nd respondent raised an industrial dispute against the petitioner with respect to the issues relating to bonus, allowances etc, Thereafter, the conciliation proceedings were initiated which ended in failure and a failure report was issued by the Labour Court, Vellore. Since the Government of Tamil Nadu did not pass any order of reference, the 2nd respondent approached this Court to pass an order of reference. This Court in WP.No.30563 of 2008 was pleased to pass orders by directing the Government of Tamil Nadu to take a decision in accordance with the provisions of the Industrial Disputes Act. Thereafter, respondents 2 to 14 filed a Review Application in No.77 of 2012 which was dismissed on 15.06.2012.

5. Thereafter by order dated 19.10.2012 the Government of Tamil Nadu declined to refer the Industrial dispute for adjudication by GO.No.468 and the same was challenged by the respondents 2 to 14 by filing WP.No.23234 of 2014. By order dated 04.09.2019, the High Court remanded the matter back to the Government of Tamil Nadu for



WEB COPY



W.P.No.2336 of 2021

consideration and following references were passed:

(i)GO.(D).No.544 dated 27.10.2020.

(ii)GO.(D).No.546 dated 27.10.2020.

6. The demands raised in GO.(D).No.544 dated 27.10.2020 were referred to the Industrial Tribunal, Tamil Nadu in OP.No.43 of 2020 for adjudication and by GO.(D).No.546 dated 27.10.2020, the Government declined to refer some of the demands for adjudication.

7. It is submitted that there is no dispute that the individuals concerned are all employees of duly licensed contractors in accordance with the provisions of the Contract Labour Act read with the regulations framed by the Government of India thereunder. There is no dispute whatsoever that so far as the petitioner's establishment is concerned, the Government of India would be the “Appropriate Government” in accordance with the provisions of the Industrial Disputes Act, 1947.



W.P.No.2336 of 2021

8. Both the parties agreed that the Appropriate Government is the Central Government for referring the dispute.

9. Considering the fact that the dispute has been raised as early as in the year 2007 and the failure report had been passed in the year 2019 it would not be fair to once again direct the parties to proceed for conciliation, in the light of the fact that the Appropriate Government is the Central Government.

10. Therefore, drawing from the provisions of Section 10 (1) (c) and (d) directions are issued to the 1st respondent to forward all the documents relating to the conciliation proceedings to the Ministry of Labour and Employment of India, along with the Judgement in WP.No.23234 of 2014 in order to enable the Appropriate Government namely the Central Government to take decision on referring the dispute to adjudication or otherwise.

11. The said exercise shall be completed within a period of 2



W.P.No.2336 of 2024

months from the date of the documents received from the 1st respondent. The 1st respondent shall forward all the documents within a period of 3 weeks from the date of receipt of a copy of this order.

12. In view of the above directions, the impugned order is set aside. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

16.07.2025

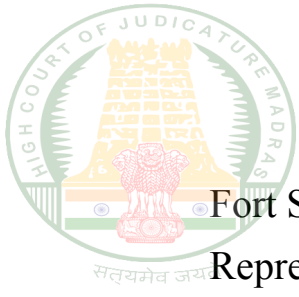
Index : Yes/No
Internet : Yes/No

kan

To

1.Department of Labour and Employment
Govt. of Tamil Nadu,

9/11



W.P.No.2336 of 2021

Fort St. George, Chennai – 600 009.

Represented by its Deputy Secretary.

WEB COPY

P.T. ASHA, J.

kan



WEB COPY



W.P.No.2336 of 2021

W.P.No. 2336 of 2021

16.07.2025