



W.P.No.2262 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.2262 of 2025

and

WMP.Nos.8890, 2600 & 2602 of 2025

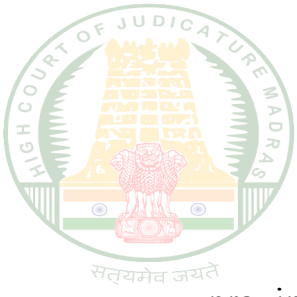
Chennai Yettrumathi Valaga Uzhiyargal
Pothu Thozhilalar Sangam, Reg No.1234/CPT,
Rep. by its General Secretary,
No.15, Kannan Street, Kadaperi,
Tambaram, Chennai – 600 045.

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Labour and Skill Development Department,
Fort St. George, Chennai – 9.
2. The Deputy Commissioner of Labour,
(Conciliation-I),
Irungattukkottai, Sriperumbudur Taluk,
Kancheepuram – 602 117.
3. The Development Commissioner,
MEPZ Special Economic Zone,
GST Road, Tambaram,
Chennai – 600 045.
4. The Management Venture Lighting India Limited,
Plot No.A30, D5 Phase-II,
Zone – B, MEPZ,
Tambaram, Chennai – 45.

...Respondents



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Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the 4th respondent continuing the illegal lay off which was imposed from 04.11.2024, from retrenching the services of the workers; from closing down its business and their factory; from selling, alienating, creating any encumbrance over any of the movable and immovable properties and from removing and shifting any of the plant and machineries, finished goods, raw materials, scrapes in any manner; from compelling the workers to go on Voluntary Retirement Scheme; without getting permission from Section 25M of the ID Act, without following Section 25F and without getting prior permission in writing from the 2nd respondent under Section 33(1)(a) of the ID act from the 2nd respondent and without issuing notice under Section 9A and without getting prior permission from the industrial Tribunal which are relating to the charter of demands claiming wage revision and other benefits and also without getting permission from the 1st respondent under sections 25M, 25N and 25O of the ID Act, award costs.

For Petitioner : Ms.V.Porkodi
for V.Ajay Khose

For Respondents : Mr.K.Surendran, AGP, for R1 to R3
Mr.Anand Gopalan for
M/s. Agam Legal, for R4

ORDER

Though the Writ Miscellaneous petition in WMP.No.8890 of 2025 filed seeking to fix an early date for hearing the main Writ petition is



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listed today, in view of the consent expressed by the learned counsel on either side, the main Writ petition itself is taken up for final disposal.

2. This Writ petition has been filed to forbear the 4th respondent continuing the illegal lay off which was imposed from 04.11.2024, from retrenching the services of the workers; from closing down its business and their factory; from selling, alienating, creating any encumbrance over any of the movable and immovable properties and from removing and shifting any of the plant and machineries, finished goods, raw materials, scrapes in any manner; from compelling the workers to go on Voluntary Retirement Scheme; without getting permission from Section 25M of the ID Act, without following Section 25F and without getting prior permission in writing from the 2nd respondent under Section 33(1)(a) of the ID Act from the 2nd respondent and without issuing notice under Section 9A and without getting prior permission from the industrial Tribunal which are relating to the charter of demands claiming wage revision and other benefits and also without getting permission from the 1st respondent under Sections 25M, 25N and 25O of the ID Act.



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3. It is the case of the petitioner that, the petitioner is a trade Union claiming to have around 980 members who are working in various industries, factories and establishments in Chennai, including the 4th respondent herein. In short, the petitioner is espousing the cause of the workers working in various establishments. It is stated in the affidavit filed in support of this petition that the 4th respondent was involved in the manufacture and sale of Metal alloyed lamps, since 1998 and the 4th respondent did not allow its workmen to form any trade union of their choice and in order to pre-empt and prevent these workmen from forming and joining the trade union of their choice, the 4th respondent started a management sponsored trade union. It is the allegation of the petitioner that, the 4th respondent was doing unfair labour practice and did not allow its workmen to raise their genuine grievances and the issues like Payment of wages, bonus etc., were not genuinely addressed by the 4th respondent and the puppet trade union installed by the 4th respondent danced to the tunes of the 4th respondent and parroted the voices of the management. After the formation of the petitioner trade union, the workers from the 4th respondent management joined the same and the petitioner voice was raising genuine grievances and concerns with regard to the functioning of the 4th respondent Management. The petitioner has stated that their union



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had raised industrial dispute with regard to the wage revision and the same was taken on file as ID.No.32 of 2019 by the Industrial tribunal, Chennai. Similarly, the dispute raised by the petitioner union demanding bonus for the period 2019 to 2021 has been referred for adjudication before the Industrial Tribunal, Chennai and the same is pending in ID.No.1 of 2024. While so, the 4th respondent resorted to stoppage of production by putting up a notice dated 14.05.2024 with a false reason that they are facing shortage in raw materials for production and that they are facing low production and that they have resorted to stop the production on 15.05.2024 and 16.05.2024. The 4th respondent management had also introduced VRS scheme for the employees and they were indulging in reduction of workforce and the management had indulged in removing and renovating almost all their machineries which were in good working condition, under the guise that the production orders have dried up. Indeed, in the opening paragraph of the affidavit filed in support of this Writ petition, the petitioner has prayed this Court to forbear the 4th respondent from going for rationalization or modernization which would result in reduction of man power and retrenchment. Seeking the prayer as mentioned above, this Writ petition has been filed.



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4. Learned Counsel for the petitioner submitted that the 4th respondent was indulging in unfair labour practice and only with the view to victimize the workers who have joined the petitioner union, the 4th respondent is enacting the drama as to production has come down and that they are laying off and closing down the factory. This illegal act of the 4th respondent should be interfered with by this Court and necessary direction should be issued to the 4th respondent to resume its working. Accordingly he prayed for appropriate orders.

5. Per contra, though very many grounds have been raised by the learned counsel appearing on behalf of the 4th respondent that there is a genuine trade union functioning in the 4th respondent management and that the petitioner is only a rank outsider and that no profit making establishment would close down its business just for the sake of retrenching a few of its workers, however, he vehemently contended that no Writ petition can be filed as against a Private management and the 4th respondent being a private establishment, the present Writ petition filed as against the 4th respondent is not at all maintainable and therefore no orders be passed in this Writ petition and this Writ petition be rejected.



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6. On the above said contentions, heard learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and perused the materials available on record.

7. The petitioner though claims to espouse the cause of the workers of the 4th respondent management, it is to be noted that there exists a separate trade union functioning in the 4th respondent management. Moreover, the prayer that the 4th respondent should be directed not to indulge in modernization and rationalization cannot be accepted. If modernization is to be curtailed, the man would still be living in stone age and therefore, we should learn to live with modernization.

8. Be that as it may. The petitioner has filed the present Writ petition seeking to forbear the 4th respondent from going for rationalization or modernization which would result in reduction of man power and retrenchment and layoff, and as rightly pointed out by the learned counsel for the 4th respondent, the 4th respondent is a private establishment and it is trite law that no Writ petition can lie before the private establishment unless it attracts any violation of labour law. Therefore, the prayer sought for by the petitioner in this writ petition cannot be granted.



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NCC : Yes / No
Index : Yes / No
Speaking order : Yes / No

To:

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Labour and Skill Development Department,
Fort St. George, Chennai – 9.
2. The Deputy Commissioner of Labour,
(Conciliation-I),
Irungattukkottai, Sriperumbudur Taluk,
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