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W.P.No. 6813 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.07.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 6813 of 2024

NLC Jeeva Oppantha Thozhilalar Sangam,
No. 1, Panruti Main Road, Alatharampalayam,
Vadalur, Cuddalore District,
Rep. by its General Secretary, R.Selvamani ...Petitioner

Vs.

1.The Government of India,
Rep. by its Secretary to Government,
Ministry of Coal,
A-wing,
Shastri Bhawan, Dr. Rajendra Prasad Marg,
New Delhi - 110 001.

2.The Government of India,
Rep. by its Secretary to Government,
Ministry of Labour and Employment,
Shram Shakti Bhawan,



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Rafi Marg,
New Delhi - 110 001.

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3.The Chief Labour Commissioner (Central),
Shramev Jayate Bhawan,
Plot No. G-4, Sector -10,
Dwarka, New Delhi - 110 075.

4.M/s.NLC India Limited,
Rep. by its Deputy General Manager (HR),
Neyveli - 607 801.

5.The Deputy Chief Labour Commissioner (Central),
No. 4, Haddows Road,
Shastri Bhavan,
Chennai - 600 006.

6.The Regional Labour Commissioner (Central),
No. 4, Haddows Road, Shastri Bhavan,
Chennai - 600 006.

7.The Assistant Labour Commissioner(Central),
DA-2, BSNL Staff Quarters,
Jaya Nagar,
Reddiarpalayam,
Puducherry - 605 010.



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8.The District Collector,
Office of the Collectroate,
Cuddalore.

9.The Superintendent of Police,
Cuddalore District,
Cuddalore - 607 001.

10.INDOCOSERVE Society,
Rep. by its Managing Director,
Opposite to TPS-I Expansion,
Neyveli, Cuddalore District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the charter of demands submitted by the petitioner union dated 05.09.2023, and to provide opportunity of hearing to the petitioner union and NLC management/4th respondent, for redressal of grievances of the petitioner union in accordance with directions issued by this Court in the orders passed in W.P.no. 22626 of 2023 dated 22.08.2023.



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For Petitioner : Mr. G.Shankar
Senior Counsel
For Mr. S.Nedunchezhiyan

For Respondents : Mr. K.Ramamoorthy
1 to 3, 5 to 7 Central Government Counsel

For Respondent 4 : Mr. N.Nithianandam

For Respondents : Mr. M.Murali
8 & 9 Government Advocate.

ORDER

The Writ Petition is filed seeking the following relief:

“Directing the 1st respondent to consider the charter of demands submitted by the petitioner union dated 05.09.2023, and to provide opportunity of hearing to the petitioner union and NLC management/4th respondent, for redressal of grievances of the petitioner union in accordance with directions issued by this Court in the orders passed in W.P.no. 22626 of 2023 dated 22.08.2023”.



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2. From a perusal of the records filed on both the sides, the petitioner as well as the respondents it is seen that an earlier Writ Petition filed by the 4th respondent in WP.No.22626 of 2023, this Court had passed the following order:

“7.In view of the consent view expressed by the learned Senior Counsel appearing for the petitioner, learned Senior Counsel as well as the learned counsel appearing for the fourth respondent and the learned Central Government Counsel appearing for the respondents 1 and 2, this Court pass the following order:

(i)The fourth respondent is permitted to make charted demand with the central Government, within a period of two weeks from the date of receipt of a copy of this order.

(ii)On receipt of the charted demand from the fourth respondent, the central Government shall hear the petitioner Corporation as well as the fourth respondent



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union and shall decide the issue strictly in terms of the Industrial Laws and shall pass appropriate orders, within a period of eight weeks from the date of receipt of the charted demand.

(iii)The fourth respondent is directed to not to initiate any strike proceedings; not to create any law and order problem; and to not to interfere with the day to day affairs of the petitioner corporation, till the disposal of the charted demand made by them with the central Government.

(iv)The petitioner corporation is directed to not to initiate any disciplinary action as against the fourth respondent and its members, till the disposal of the charted demand made by the fourth respondent with the central Government.

3. The petitioner association's contention is that the charter of demands submitted by the petitioner union on 05.09.2013 has not been



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considered by the Central Government. However, a perusal of the documents submitted by the 4th respondent would indicate that the 4th respondent under cover of letter dated 07.10.2023 had forwarded the same to the Under Secretary (LA & IR) to Government of India, Ministry of Coal, Shastri Bhavan, New Delhi.

4. That apart, the petitioner has forwarded the charter of demands under the cover of the letter dated 06.09.2023 to the Chief Labour Commissioner (Central) New Delhi. On 09.10.2023, the 4th respondent had submitted a reply to the grievance petition submitted by the union in which they had stated that in tune with the order passed in WP.No.22626 of 2023 the charter of demand was being referred to Ministry of Coal, Government of India for appropriate action.

5. It is seen that by an order dated 16.01.2024, the Deputy Chief Labour Commissioner (Central) to whom the petitioner union had also forwarded charter of demands after holding discussion with the management and the workman had referred the dispute for adjudication



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to the CGIT cum Labour Court, Chennai to answer the following reference:

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“Whether the following 16 point charter of demands raised by NLC Jeeva Oppandha Thozhilalar Sangam against the management of 1. M/s. NLC India Limited 2. NLC Indcoserve & Howsicos is fair, legal and justified? If Not, to what relief the applicant NLC Jeeva Oppandha Thozhilalar Sangam is entitled to?”

6. That the petitioner is aware about this reference is evident from the contents of their arguments extracted in the Judgement in W.P.No.23894 of 2024, wherein it has been stated as follows:

“(ii)This Court, vide an order dated 22.08.2023, disposed of the above Writ Petition, by consent, with certain directions, inter alia against the 5th respondent herein, which will be dealt with in the discussion infra.

11.(i)It is not disputed that, based on the above, the 5th respondent filed a charter of demands with the Central



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Government, as per the directions of this Court in WP.No.22626 of 2023.

(ii) Subsequently, a letter dated 29.12.2023 was issued by the 3rd respondent herein, Assistant Labour Commissioner (Central), Ministry of Labour and Employment, Government of India, addressed to the Deputy Chief Labour Commissioner (Central), allegedly being the failure report of the Conciliation Officer / 3rd respondent.

(iii) Based on the above report, the Ministry of Labour and Employment, Government of India, on 16.01.2024 made a reference under Section 12 (5) read with sub-section (2A) of Section 10 of the ID Act, 1947 for adjudication of industrial disputes to the Central Government Industrial Tribunal cum Labour Court (hereinafter referred to as CGIT-LC), Chennai, more particularly on whether the 5th respondent is entitled to any reliefs as claimed in the Charter of Demands



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submitted.

(iv)The above reference made by the Central Government was numbered as ID.No.11 of 2024 before the CGIT-LC, wherein notice dated 21.02.2024 was issued to the parties to appear and file their respective statements relating to the issue in the order of reference.”

7. Despite the above, the present Writ Petition has been filed for the relief stated supra.

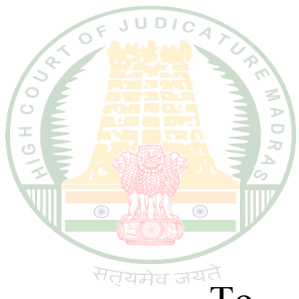
8. Therefore, in the light of the above discussions the Writ Petition is dismissed both on the grounds of res judicata as well as on the ground that the demand raised in the Writ Petition has already been given effect to. No costs.

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Index : Yes/No
Internet : Yes/No

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