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W.P.No.13900 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM :

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

W.P.No.13900 of 2025

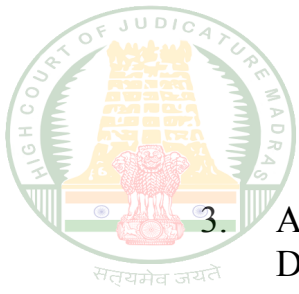
and

WMP.No.15635 of 2025

1. Annamalai University Consolidated Pay
Employees Welfare Association,
Reg.No.TNCHEJCL1CHETU-50-24-00066,
Rep. by its Secretary,
3/1, Sri Jayaram Nagar, 2nd Extension,
Kolathur, Chennai – 600 099.
2. R.Manikandan
3. Evu Ringston ...Petitioners

Vs.

1. Government of Tamil Nadu,
Rep. by the Secretary to Government,
Labour Welfare and Skill Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 001.
2. Annamalai University,
Rep. by the Registrar,
Annamalai Nagar,
Chidambaram,
Tamil Nadu – 608 002.



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3. Assistant Commission of Labour (Conciliation),
Deepan Nagar, I Street,
Semmandalam, Cuddalore – 607 001.

...Respondents

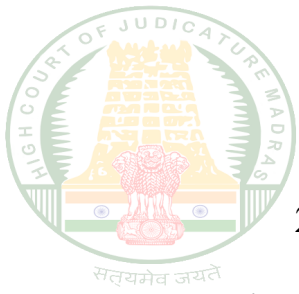
Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Prohibition, forbearing the 2nd respondent from terminating the services of the members of the 1st petitioner Union, until the Industrial Dispute for regularization of their services is referred by the 1st respondent for adjudication, pursuant to the Conciliation Failure Report No.Na.Ka.270/2024 dated 30.11.2024 and the final adjudication of the said Industrial Dispute by the Industrial Tribunal/Labour Court.

For Petitioners : Mr.Vaigai, Senior Counsel
for M/s.Anna Mathew

For Respondents : Mr.K.Surendran, AGP, for R1 & R3
Mr.PSR.Gowtham, for R2

ORDER

The petitioners have filed this Writ petition seeking to forbear the 2nd respondent from terminating the services of the members of the 1st petitioner Union, until the Industrial Dispute for regularization of their services is referred by the 1st respondent for adjudication, pursuant to the Conciliation Failure Report No.Na.Ka.270/2024 dated 30.11.2024 and the final adjudication of the said Industrial Dispute by the Industrial Tribunal.



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2. Mr.K.Surendran, learned Additional Government Pleaders takes notice on behalf of the respondents 1 and 3 and Mr.PSR.Gowtham, learned counsel takes notice on behalf of the 2nd respondent. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioners is that, 1st petitioner Union represents its 94 members contained in the annexure to this writ petition, which includes the petitioners 2 & 3 as well and all the members are engaged as consolidated pay employees by the 2nd respondent University in the year 2010 and they are holding various posts, such as Office Assistant, Instructors Staff Nature, Technical Assistant, etc. The members of the 1st petitioner union have been continuously employed for more than 13 years and they have completed 480 days of service in the year 2012 itself. Though they have been continuously demanding for their regularization from the year 2012, till date the 2nd respondent has not taken any action to regularize their services. Therefore, the union had initiated conciliation proceedings before the Labour Commissioner seeking regularization with effect from completion of 480



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days of service and the Commissioner of Labour, Chennai forwarded the claim of the 1st petitioner union to the 3rd respondent for further action on 27.05.2024. In the meantime, as the 1st petitioner union perceived threat that the services of the members of its union would be terminated, they have approached this Court by way of filing the Writ petition in W.P.No.17212 of 2024 seeking for a direction to the University to continue the services of the members of the 1st petitioner union. This Court, vide order dated 28.06.2024, has granted interim stay. In such circumstances, the 3rd respondent submitted the conciliation failure report dated 30.11.2024 before the 1st respondent. However, till date, as the dispute was not referred to competent forum, apprehending that the services of the members of the 1st petitioner union may be terminated at any time, the present writ petition has been filed.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. Though very many grounds have been raised by the learned counsel on either side, at the time of arguments, in view of the limited request made



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by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the 1st respondent to take decision on the basis of the conciliation failure report bearing No.Na.Ka.270 of 2024 dated 30.11.2024, with regard to referring of the industrial dispute for adjudication in respect of regularisation, within a period of six (6) weeks from the date of receipt of a copy of this order. Till such time, the 1st respondent is directed not to take any coercive steps as against the members of the 1st petitioner Union.

6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

21.04.2025

(2/2)

skt

NCC : Yes/No

Index : Yes/No

Speaking Order : Yes/No



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To

1. The Secretary to Government,
Government of Tamil Nadu,
Labour Welfare and Skill Development Department,
Government of Tamil Nadu,
Fort St. Goerge, Chennai – 600 001.
2. The Assistant Commission of Labour (Conciliation),
Deepan Nagar, I Street,
Semmandalam, Cuddalore – 607 001.

W.P.No.13900 of 2025
and
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WMP.No.15631 of 2025

in

W.P.No.13900 of 2025

M.DHANDAPANI, J.

Ordered, as prayed for.

21.04.2025

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