



W.A No. 1516 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2025

CORAM

THE HONOURABLE MR JUSTICE R. SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

W.A No. 1516 of 2025 AND
CMP NO. 11629 OF 2025

1. The Secretary
Labour Welfare and Skill Development
Department, Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Assistant Commissioner of Labour
(Conciliation), Kuralagam, Chennai 600018.

... Appellants

Vs

1. Uzhaippor Uriamai lyakkam
(REGN. NO CNI /3077 / 2005) Rep
By Its President K. Bharathi Thozhar
Kooda 19C, Mariamman Koil Stret,
Kalyanapuram Ambattur Chennai
600 053

- 2.The Commissioner
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.

- 3.The Zonal Officer
6th Zone, No.158, Strahans Road,
Pattalam, Chennai - 500 012

... Respondents

PRAYER

Writ Appeal under Clause 15 of the Letters Patent to set aside the Order dated 23.01.2025 passed by this Honble Court made in W.P.No. 420 of 2025.



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For Appellants : Mr.S.John J Raja Singh
Additional Government
Pleader

For Respondents : Mr.S.Kumaraswamy – for R1
Mr.E.C.Ramesh
Standing Counsel – for RR 2
and 3

JUDGMENT
(Delivered by R.Subramanian J.)

The challenge in this writ appeal is to the mandamus issued by the learned Single Judge directing the Government to refer the dispute raised by the first respondent Union for determination by the Industrial Tribunal at Chennai.

2. The first respondent, which is a Trade Union made a representation on 03.09.2024 making certain claims, which included permanency of the temporary workmen who were employed by the appellant Corporation. Since the Government did not take steps to refer the matter to the Industrial Tribunal, the first respondent Union sought for a mandamus. The learned Single Judge, applying the settled principles of law relating to reference and the discretion that is available to the Government under Section 10(1) of the Industrial Disputes Act, concluded that the Government is bound to refer the matter to the Industrial Tribunal as there is a perceivable industrial dispute that has been raised by the Union. Upon such conclusion, the learned Single

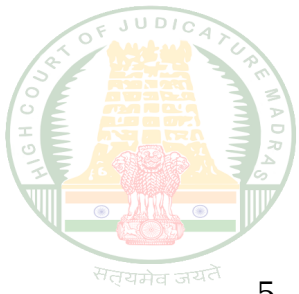


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Judge allowed the writ petition. Aggrieved by the same, the Government is on appeal.

3. Mr.S.John J Raja Singh, learned Additional Government Pleader appearing for the appellant State would submit that the question of permanency would be governed by the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 and therefore a reference to the Labour Court or Industrial Tribunal is unnecessary.

4. We do not think we can go into those questions at this stage. The scope of Section 10 has been considered by this Court as well as the Hon'ble Supreme Court in various cases and this Court in **Shaw Wallace & Co., Limited -vs- State of Tamil Nadu (1988 (1) LLJ 177 MAD)**, has held that the discretion that is available to the Government under Section 10(1) is circumscribed and it cannot be for reasons other than the ones that come within the provisos to Section 10(1). The Hon'ble Supreme Court has also repeatedly held that while considering as to whether the matter should be referred to the Industrial Tribunal or not, the discretion available to the Government is very limited and, reference is a rule, refusal would be an exception.



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5. In view of the settled law, we do not see any need to interfere with the mandamus issued by the learned Single Judge. The appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (K.G.T.,J.)
12-06-2025

KST
Index: No
Non-speaking order
Internet:Yes
Neutral Citation: No

To

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**R.SUBRAMANIAN J.
AND
K.GOVINDARAJAN THILAKAVADI J.**

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