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W.P.No.17212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM :

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

W.P.No.17212 of 2024

and

WMP.Nos.18987 & 18992 of 2024 & 12745 of 2025

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

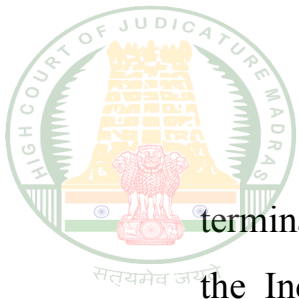
...Petitioner

Vs.

1. Annmalai University,
Rep. by the Registrar,
Annamalai Nagar, Chidambaram,
Tamil Nadu – 608 002.
2. The Commissioner of Labour,
Office of the Commission of Labour,
Chennai – 600 006.
3. The Assistant Commissioner 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 Mandamus forbearing the Respondent No.1 not to



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terminate the services of the members of the petitioner's union connected to the Industrial Dispute No.Na.Ka.270/2024 pending before the 2nd and 3rd respondents herein without complying with Section 33(1)(a) of the Industrial Disputes Act, 1947, until final adjudication or settlement of the Industrial Disputes as per the said Act and to direct the Respondent No.1 to pay them minimum basic pay of the regular scale of pay received by the regular employees of the concerned posts discharging similar work performed by the petitioner's members as per the verdict of the Hon'ble Supreme Court in State of Punjab and ors. Vs Jagjit Singh & ors. (2017(1)SCC148).

For Petitioner : M/s.Anna Mathew

For Respondents : Mr.Sithirai Anandam, for R1
: Mr.K.Surendran, AGP, for R2 & R3

ORDER

This Writ petition has been filed seeking to forbear the 1st respondent from terminating the services of the members of the petitioner's union connected to the Industrial Dispute No.Na.Ka.270/2024 pending before the 2nd and 3rd respondents herein without complying with Section 33(1)(a) of the Industrial Disputes Act, 1947, until final adjudication or settlement of the Industrial Disputes as per the said Act and to direct the 1st respondent to pay them minimum basic pay of the regular scale of pay received by the regular employees of the concerned posts discharging similar work performed by the



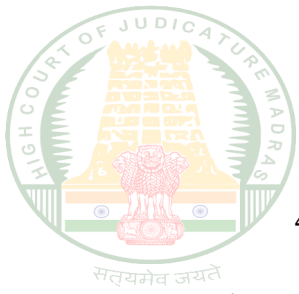
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petitioner's members as per the verdict of the Hon'ble Supreme Court in State of Punjab and ors. Vs Jagjit Singh & ors. (2017(1)SCC148).

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2. The case of the petitioner is that its members were engaged by the 1st respondent university and they are working in various categories for the past more than one decade. The petitioner union has been making representation both before the 1st respondent university and the Government seeking regularisation of the services of its members. However, such representations had gathered only dust. In the meantime, as the 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 present Writ petition seeking the above relief.

3. This Court gave its careful consideration to the arguments advanced by the learned counsel on either side and perused the materials available on record.



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4. The 1st respondent has filed a counter stating that the University was taken over by the Government in the year 2013 and since then, the affairs of the 1st respondent university are handled only by the Government and once the administration of the University has been taken over by the Government, appointments and the like are done only by the Government as per the existing rules and regulations and now the issue is only between the petitioner union and the Government and not the 1st respondent.

5. This Court is of the *prima facie* opinion that the present Writ petition itself is not maintainable for the simple reason that after the pronouncement of the Hon'ble Supreme court in the case of ***Secretary, State of Karnataka and others vs. Uma Devi, [2006(4) SCC 1]***, governing appointment in the Government bodies, the 1st respondent cannot make any unilateral decision in the matter of appointment.

6. However, this Court is not going into those aspects, in view of the fact that, the conciliation proceedings which was pending in Na.Ka.No.270 of 2024 ended in failure and a copy of the said failure report of the Assistant

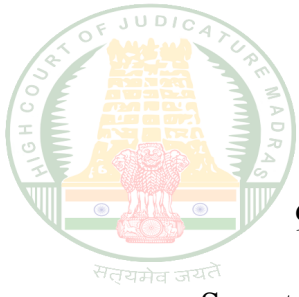


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Labour Commissioner dated 30.11.2024 is also produced before this Court, wherein it is stated that despite multiple rounds of talks between the parties, no agreement could be reached.

7. Therefore, this Court is of the view that, no further adjudication is necessary in this Writ petition. However, there shall be a direction to the Principal Secretary, Department of Labour Welfare and Skill Development, Government of Tamil Nadu, Chennai to take decision on the basis of the order passed by the Assistant Labour Commissioner in Na.Ka.No.270/2024 dated 30.11.2024 within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, this Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous petitions are closed.



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9. Registry is directed to mark a copy of this order to the Principal

Secretary, Department of Labour Welfare and Skill Development,

Government of Tamil Nadu, Chennai.

03.04.2025

skt

NCC : Yes/No

Index : Yes/No

Speaking Order : Yes/No

To:

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M.DHANDAPANI, J.

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