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W.P.No.24523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.24523 of 2024

K.Manojkumar

.. Petitioner

Versus

1. The Government of Tamilnadu,
Rep. by the Principal Secretary/Commissioner,
Labour Department,
DMS Compound, Teynampet,
Chennai – 600 006.
2. Tamil Nadu Arasu Cable TV Corporation Limited,
Rep. by its Managing Director,
Registered Office at No.807,
Anna Salai, 4th Floor,
P.T. Lee. Chengalvarayan Naicker Trust Building,
Chennai – 600 002.
3. The Joint Commissioner of Labour,
Integrated Labour Department Building,
First Floor, ITI Campus, NH 46,
Amman Nagar, Melmonavoor,
Abdhullapuram, Vellore – 632 010.
4. Deputy Manager / The Special Tahsildar,
Tamil Nadu Arasu Cable TV Corporation Limited,
Vellore District,
Vellore – 632 009.



W.P.No.24523 of 2024

5. The Assistant Commissioner of Labour (Conciliation – 1),
Integrated Labour Department Building,
First Floor, ITI Campus, NH 46,
Amman Nagar, Melmonavoor,
Abdhullapuram, Vellore – 632 010.

6. M/s.Industrial Security & Intelligence (India) Pvt. Ltd.,
Rep. by its Chief Executive Officer,
Registered Office at No.9, First Floor,
Kamarajar Salai, Ashok Nagar,
Chennai – 600 083.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 5th respondent in Na.Ka.No.386/2023, dated 01.02.2024 closing the dispute raised by the petitioner and quashing the same and consequently directing the 5th respondent to confirm herself to the provisions of Section 12 of the ID Act while disposing the petitioner's Industrial Dispute.

For Petitioner : Mr.K.Elango

For Respondent : Mr.S.Senthil Murugan,
Special Government Pleader,
for RR-1, 3 to 6

: Mr.David Sundar Singh, for R2



W.P.No.24523 of 2024

ORDER

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This Writ Petition is filed challenging the impugned order, dated 01.02.2024 passed by the fifth respondent.

2. Upon perusing the affidavit filed in support of the Writ Petition and hearing *Mr.K.Elango*, learned Counsel for the petitioner, the grievance of the petitioner is that he was engaged as a Data Entry Operator by the second respondent management. Upon his non-employment, when he raised the present dispute before the fifth respondent, being the Conciliation Officer, instead of attending conciliation and submitting a failure report, when the conciliation has not fructified, the fifth respondent chose to decide the issue itself on merits and rejected the petition and hence the Writ Petition.

3. Per *contra*, *Mr.David Sundar Singh*, learned Counsel for the second respondent management would submit that this is not a case of employment at all. Originally, these e-Seva centres were sought to be routed through contractors. Now, further policy decision is taken to give the same by way of a private public partnership. There was never a question of employment. As a matter of fact, these persons formed a union proposing themselves to be a trade union and the trade union already filed W.P.No.14123 of 2022 with



W.P.No.24523 of 2024

prayers to take all these persons in employment and to continue the scheme.

The same is also pending. While so, the petitioner, being the member of the very same union, cannot individually raise a dispute. In any event, all these Writ Petitions can also be disposed of together.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. The issues as to whether there was an employment at all, whether the petitioner can raise an individual dispute and whether there was outsourcing etc., are all relating to the merits of the dispute. When the petitioner herein claims himself as a workman within the definition of the erstwhile Industrial Disputes Act, 1947 and presently, the Industrial Relations Code, 2020 and raises a dispute before the Conciliation Officer for conduct of conciliation before filing a Claim Petition, the only remit of the fifth respondent Conciliation Officer was to summon the management and attempt for conciliation and if there is no amicable settlement, he has to record the same by noting that the conciliation failed and it is for the workman to file such a Claim Petition before the appropriate forum and it will be open for the management to raise all the defence relating to merits



W.P.No.24523 of 2024

only before the forum. Raising of the defences before the Conciliation Officer and the Conciliation Officer deciding the same, are all unwarranted.

At best, the order, dated 01.02.2024 will only deemed to be a report recording the failure of conciliation and the reasons recorded therein will neither bind the workman nor the management and it will only be treated as failure report.

6. Therefore, this Writ Petition is allowed on the following terms:-

(i) The impugned order, dated 01.02.2024 shall be deemed to be a failure report that is recorded by the fifth respondent and the findings contained therein will not in any manner bind either the workman or the management.

(ii) The workman will be at liberty to treat the same as failure report of conciliation and proceed further in accordance with law.

(iii) It will be open for the management to raise all the defences before the appropriate forum as and when such Claim Petition is filed.

(iv) There shall be no order as to costs.

04.12.2025

Neutral Citation : no
grs



W.P.No.24523 of 2024

To
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D.BHARATHA CHAKRAVARTHY, J.

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