



W.P.(MD) No.23595 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.23595 of 2019

and

W.M.P.(MD) No.20220 of 2019

1.The Managing Director
Tamilnadu Water Supply
and Drainage Board
No.31, Kamarajar Salai
Chepak, Chennai-600 005

2.The Executive Engineer
TWAD Board
Maintenance Division
Thirunelveli

... Petitioners

-vs-

1.The Assistant Commissioner of Labours
(Enforcement)
Thirunelveli

2.A.Hariharan

3.R.Vandiselvam

4.L.P.Sankar

5.K.Arumugam

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6.J.Jhonson Samuel

7.L.Sermaraj

8.S.Sathiyavan

9.N.Kumar

10.N.Sattanathan

11.S.Suresh

12.P.Uma Parvathi

13.K.Patturaja

14.A.Muthaiah

15.Anthoni Savarimuthu

16.K.Vijayendhiran

17.A.Sermathurai

18.M.Kadalmani

19.M.Paramasivan

20.L.Aanimuthu

21.S.Detchinamoorthy

22.A.Muthaiasamy

23.S.Paramasivan

... Respondents



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WEB CONTENT PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned order passed by the first respondent in his proceedings bearing petition Nos. 7831/2010 to 7834 of 2010 and 7836 of 2010, 7838 of 2010 to 7841 of 2010 and 7843 of 2010 to 7848 of 2010 and 7851 of 2010 to 7855 of 2010, dated 16.09.2019 (received on 25.09.2019) and quash the same.

For Petitioners : Mr.AR.L.Sundaresan, Senior Counsel
assisted by Mr.B.Vijay Karthikeyan

For Respondents : Mr.F.Deepak
Special Government Pleader for R1
Mr.S.Arunachalam for R2 to R10, R12 to R21
No appearance for R11, R22 & R23

ORDER

This Court, after having heard the matter at length and also after having considered the orders passed by the other co-ordinate Benches of this Court, dated 10.03.2025 in W.P.Nos.12512 of 2010 & 4292 of 2013 and dated 06.03.2025 in W.P.No.34852 of 2023 etc. batch, suggested Mr.S.Arunachalam, learned counsel appearing for the respondents – workmen, to ascertain as to whether it would be appropriate in the interest of the workmen to approach the appropriate forum for the relief that was granted in their favour under the impugned order, as the first respondent is *prima*



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facie found to be not a proper authority to adjudicate the actual controversy involved in this matter.

2. In response to the same, Mr.S.Arunachalam fairly submitted that the impugned order may be set aside and the matter may be referred to the concerned Labour Court for resolving the dispute in question. He also placed reliance on the decision of the Honourable Apex Court in the case of ***Hindustan Lever Ltd., vs. Contract Laghu Udyog Kamgar Union***, reported in ***(2004) 13 SCC 501*** and requested to pass an order in the similar lines as was approved by the Honourable Apex Court in the said decision.

3. However, Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioners, submitted that there is no necessity for making a direct reference of the dispute in question to the concerned Labour Court and instead, the respondents – workmen may be granted liberty to take appropriate action in accordance with law.

4. This Court has carefully considered the submissions made on either side.



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5. Taking into consideration the concession made by Mr.S.Arunachalam, learned counsel appearing for the respondents – workmen, the impugned order passed by the first respondent is liable to the set aside.

6. Coming to the request made by Mr.S.Arunachalam, learned counsel appearing for the respondents – workmen, to refer the dispute in question directly to the concerned Labour Court is concerned, this Court is of the considered view that it would be appropriate in the interest of justice and also to save the time and also taking into consideration the fact that the respondents – workmen have approached a wrong forum and considerable time was spent before the wrong forum as well as before this Court, to see that the dispute in question to go before the concerned Labour Court for taking up the same on file and resolving the same under the provisions of the Industrial Disputes Act, 1947. This Court is inclined to adopt such a course, taking into consideration that no prejudice would be caused to the petitioners in case if the dispute in question is allowed to go before the concerned Labour Court, at an early date.



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7. In the light of the above, the impugned order dated 16.09.2019, passed in Petition Nos.7831/2010 to 7834 of 2010 and 7836 of 2010, 7838 of 2010 to 7841 of 2010 and 7843 of 2010 to 7848 of 2010 and 7851 of 2010 to 7855 of 2010, are set aside.

8. The respondents – workmen are granted liberty to approach the appropriate Government seeking reference of the dispute in question i.e. which is subject matter of this writ petition to the concerned Labour Court within a period of four weeks from the date of receipt of a copy of this order. In case if the respondents – workmen in a group or through Union make any such request within the time as stipulated above, the Government of Tamil Nadu, Labour and Employment Department, shall make necessary reference to the concerned Labour Court for resolving the dispute in question under the provisions of the Industrial Disputes Act, 1947, and other relevant laws, within a further period of six weeks from the date of submission of the request of the respondents – workmen.

9. Till such reference of the dispute in question is made to the concerned Labour Court and the same is taken on file by the concerned



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Labour Court, the *status quo* prevailing as on date insofar as the status of the respondents – workmen is concerned shall be maintained by the petitioners.

10. Subject to the above observations, this writ petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

24.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Note to Office:

Mark a copy of this order to the Principal Secretary, Labour and Employment Department, Fort St.George, Chennai-600 009.

krk

To:
The Assistant Commissioner of Labours,
(Enforcement),
Thirunelveli.



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MUMMINENI SUDHEER KUMAR, J.

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