



WEB COPY



W.P.No.10691 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10691 of 2026

And

W.M.P.No.11620 of 2026

1.Minjur Paguthi Podhu Thozhilalar Sangam,
Rep. by its General Secretary,
Athipattu Pudhu Nagar,
Chennai – 120.

2.G.Arputham

3.Aaravalli

... Petitioners

Vs.

1.Government of India,
Rep. by its Secretary,
Ministry of Labour and Employment,
New Delhi.

2.Assistant Labour Commissioner (Central – II),
Shastri Bhavan,
Haddows Road,
Nungambakkam,
Chennai – 600 006.

3.Kamaraj Port Limited,
Rep. by its Managing Director,
NCTPS Post,
Chennai – 120.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Mandamus directing the first respondent to refer the industrial dispute relating to the age of retirement of the female workers employed in green belt area and housekeeping work in the third respondent port for adjudication by Central Government Industrial Tribunal, Chennai within a period of 6 weeks and also to direct the third respondent to retain the services of the 2nd and 3rd petitioners till the industrial dispute is disposed of by the Central Government Industrial Tribunal, award costs.

For Petitioners : Mr.S.Ravindran
Senior Counsel
for Mr.R.Krishnaswamy

For Respondents : Mr.K.V.Muthu Visakan for R1 and R2
Senior Panel Counsel
Mr.Karthik Raja for R3
for M/s.Menon, Karthik,
Mukundan and Nelakandan

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to refer the industrial dispute relating to the age of retirement of the female workers employed in green belt area and housekeeping work in the third respondent port for adjudication by Central Government Industrial Tribunal, Chennai within a period of six weeks and also to direct the third respondent to retain the services of the petitioners 2



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and 3 till the industrial dispute is disposed of by the Central Government Industrial Tribunal.

2.The learned Senior Counsel appearing for the petitioners submitted that the first petitioner is the union representing unorganized workers employed in factories and other establishments in Minjur area in Ponneri Taluk, Thiruvallur District including the petitioners 2 and 3. 88 female workers are employed by the third respondent to maintain the Green Belt and for doing housekeeping activities in the port area from 2003 onwards. Their retirement age is 60 years, however, the third respondent decided to reduce the retirement age from 60 years to 58 years and aggrieved by the same, the first petitioner union took up industrial dispute before the Assistant Labour Commissioner (Central – II), Chennai and the second respondent initiated conciliation proceedings dated 12.02.2026 and fixed the conciliation on 16.02.2026 and thereafter the conciliation was posted to 03.03.2026 and the Conciliation Officer advised the third respondent to explore the possibility of accommodating the workers until they reach the age of 60 years and thereafter fixed the conciliation on 18.03.2026, however, till date the industrial dispute was not referred to the competent Court.



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3.The learned Senior Panel Counsel appearing for the respondents 1 and 2 submitted that the dispute will be referred to the competent Court within a period of four weeks from the date of receipt of a copy of this order.

4.At this juncture, the learned Senior Counsel appearing for the petitioners submitted that till such time, the third respondent may be restrained from changing the conditions of service in terms of Section 33 of the Industrial Disputes Act. In support of his contentions, the learned Senior Counsel relied upon the decision of this Court reported in 2006 (3) L.L.N.916 [Arasu Viraivu Pokkuvarathu Oozhiyar Sangam Vs. State Express Transport Corporation Limited and two others]

5.The learned counsel appearing for the third respondent submitted that admittedly the age of retirement is 58 years. The petitioners want to fix the age of retirement at 60 years, thereby raised dispute before the Conciliation Officer for referring the dispute before the competent Court. If this Court restrain the third respondent, it would amount to allowing the industrial dispute.



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6.Since the first respondent itself has arrived at a conclusion that the dispute with regard to the age of retirement will be referred to the competent Court, passing restraint order against the third respondent would amount to allowing the industrial dispute. Hence, this Court directs the respondents to refer the industrial dispute to the competent Court within a period of three weeks from the date of receipt of a copy of this order. Liberty is granted to the petitioners to work out the remedy before the competent Court, in accordance with law.

7.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

23.03.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No



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M.DHANDAPANI,J.
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To

- 1.The Secretary,
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Nungambakkam,
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