

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4071 of 2008

ORDER:

When the matter came up on 05.06.2015, there was no representation for the petitioner as well as the respondents.

2. Letter No.95(9)/2014-B3/WP dated 14.05.2015, from the Deputy Chief Labour Commissioner (Central), Hyderabad, addressed to the Registrar (Judicial), High Court of Judicature at Hyderabad, is placed on record.

3. The Deputy Commissioner of Labour, Visakhapatnam, is arrayed as 2nd respondent in the writ petition; whereas the letter dated 14.05.2015 is addressed by the Deputy Chief Labour Commissioner (Central), Hyderabad, to the Registrar (Judicial). At the outset, the letter addressed to the Registrar (Judicial), when the matter is pending before the Court, is highly objectionable. The Deputy Chief Labour Commissioner (Central), Hyderabad, who had addressed the abovementioned letter, does not seem to have had the understanding of the case and issues pending before the Court. The prayer in the writ petition reads as under:

“..... to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring as illegal, arbitrary and unconstitutional the proceedings of the 2nd respondent issued in Rc.No. C/6800/2007 dated 16.2.2008 since he is not empowered to do so as he is an authority working under the State Government of A.P. as such it is not an appropriate and consequently direct the Respondents 3 & 4 who are the Competent Authorities working in the Labour Department of the Central which is the appropriate Government and as such empowered to conduct the election in Visakhapatnam Steel Plant to determine which

union is enjoying majority etc. and pass”

4. A perusal of the proceedings dated 16.02.2008, which is on record, reveals that by the said proceedings, the Deputy Commissioner of Labour, Visakhapatnam, and the Returning Officer had notified the Election Schedule for conducting Secret Ballot with regard to the aspect of recognising the majority union in the Visakhapatnam Steel Plant. In other words, as on 14.05.2015, the election has already been conducted and the prayer in the writ petition does not survive any longer.

5. As stated supra, on 05.06.2015, when the matter was listed, there was no representation either on behalf of the petitioner or the respondents. Today, when the matter is called, there is no representation on behalf of the petitioner. In the circumstances, and considering the nature of dispute as discernible from the record, the case does not survive.

6. Accordingly, the writ petition is dismissed as infructuous. No costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

08th June, 2015

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