

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.26943 of 2007

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ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the action of the respondents 2 and 3 in not taking action against the first respondent for violation of law by refusing to grant recognition as protected workmen under Section 33(4) of the Industrial Disputes Act to the eligible number of office bearers of the petitioner-union as illegal and arbitrary and further direct the said respondents to forthwith take steps to prosecute the first respondent for the offence under Section 31(1) of the Industrial Disputes Act.

The case of the petitioner-union is that it gave a representation to the 2nd respondent on 19-07-2007 for which the 2nd respondent called for remarks from the 1st respondent. After calling for the remarks, the

1st respondent also responded to the direction of the 2nd respondent. It is the grievance of the petitioner that after receiving the remarks from the 1st respondent, the 2nd respondent has not taken any further action.

Heard the learned counsel on either side and perused the material available on record.

The petition preferred by the petitioner is pertaining to the year 2007-2008. Even though it is pertaining to the said years, this Court is of the view that it is the duty of the Deputy Commissioner of Labour to pass appropriate orders after calling remarks from the 1st respondent.

Accordingly, the Writ Petition is disposed of directing the 2nd Respondent to pass appropriate orders on the request made by

the petitioner herein by way of representation dated 19-07-2007. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

06th April, 2015

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