

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.27812 of 2016

HIL Employees Union,
Rep., by its General Secretary,
No.15, Vellalar Street,
Manjakkaranai Village & Post,
Periyapalayam Via, Uthukottai Taluk,
Thiruvallur District - 601 102.Petitioner

Vs.

1.The Assistant Commissioner of Labour (Conciliation -II)
Kuralagam, Chennai - 600 108.

2.The Management of Hyderabad Industries Limited,
Kannikaiper Village & Post,
Periyapalayam Via, Uthukottai Taluk,
Thiruvallur District - 601 102.Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No.A/633/15, dated 27.06.2016, quash the same and direct the respondents to confer "protected workman" status under Rule 65(1) of the Industrial Disputes Act, 1947, to Mr.Sarveshwaran (President of the petitioner union) for the year 2016.

For Petitioner ... Mr.V.Prakash, Senior counsel for
Mr.K.Sudalai Kannu

For Respondents .. Mr.K.M.Vijayan for
M/s.King & Partridge for R2
Mr.S.Diwakar, Spl., G.P. For R1

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2. The Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the order of the first respondent, dated 27.06.2016, and direct the respondents to confer "protected workman" status under Rule 65(1) of the Industrial Disputes Act, 1947, (ID Act) to Mr.Sarveshwaran (President of the petitioner union) for the year 2016. The order impugned is passed under Rule 65(1) of the Rules framed under ID Act. By the said order, the request of the petitioner to confer "protected workman" status was rejected.

3. As rightly submitted by the learned counsel for the respondent Management, the period mentioned under the said Rule is only for six months. The order impugned also states that it is in vogue only for a period of six months or till 30.09.2016, which period is admittedly over.

4. In such view of the matter, the Writ Petition stands dismissed as infructuous. However, inasmuch as the findings rendered by the first respondent is concerned, it has not been gone into. In the event of any new petition having been filed, the same will have to be decided on its own merits without reference to the earlier order passed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

at/pbn

To

1.The Assistant Commissioner of Labour (Conciliation -II)
Kuralagam, Chennai - 600 108.

+lcc to Mr. King & Partridge, Advocate Sr. 20515

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LRS (CO)
VR(19/4/2017)