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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7573/2015, CM APPL. 14547/2015, CM APPL. 30279/2015
M/S CAMBATA AVIATION PVT. LTD. Petitioner
Through None.

versus

THE ASSTT. LABOUR COMMISSIONER
(CENTRAL), GOVT. OF INDIA & ORS Respondent
Through Mr. Abhay Prakash Sahay, Adv. for
R1 & R2.
Mr. Fidel Sebastian, Adv. for R-3.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **15.09.2017**

Vide the present petition the petitioner seeks setting aside the order dated 16.02.2015 of the Assistant Labour Commissioner under Rule 61 sub clause (4) of the Industrial Disputes Central Rules 1957 r /w Section 33(4) of the I.D. Act, 1947 whereby 11 persons were declared as protected workmen for the period of 12 months from 30.04.2014 to 30.04.2015.

Apart from the submissions that have been made on behalf of respondent No. 3 placing reliance on the dismissal as withdrawn of the petition Nos. 16081-82/2016 by the concerned same petitioner herein as petitioner thereto and also on the verdict of the Division Bench of this Court in LPA No. 465/2014 against an order dated 21.04.2014 of the learned Single Judge of this Court upholding the order of the Assistant Labour Commissioner (Central) under Section 33(4) of the I.D Act sub Rule 61(4) of the Industrial Disputes (Central) Rules, 1957 coupled with the submission

made on behalf of respondent No. 3 that it has been submitted on behalf of the petitioner itself that the present case was similar to LPA No. 465/2014, it has also been contended on behalf of respondent Nos. 1, 2 and 3 that in terms of Rule 61(4) itself the protected workmen so protected in terms of the said rules are so recognized only for a year under Rule 61(4) of the Industrial Disputes Central Rules 1957 and that as the relief granted vide the impugned order dated 16.02.2015 related only for a period of 12 months i.e. from 30.04.2014 to 30.4.2015, it is apparent that there is no further cause of action that survives in favour of the petitioner.

In view thereof the W.P.(C) No. 7573/2015 is dismissed as having become infructuous.

ANU MALHOTRA, J

SEPTEMBER 15, 2017

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