

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.14795 of 2004 and
W.M.P.No.17550 of 2004

Nedungadu Soundararaja Mill

Represented by its Secretary,

... Petitioner

Vs

1. Government of Pondicherry,
Represented by its Labour Officer,
Labour Department,
Karaikal.

2. Soundararaja Mills Limited,
Represented by its Managing Director

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus after calling for the records relating to the Order bearing Ref.No.Endt.No.3137/2004-LO (C)/A1, dated 12.05.2004, issued by the first respondent and quash the same as being illegal and arbitrary and consequently direct the first respondent to conduct conciliation proceedings in accordance with Sec. 12 of the Industrial Disputes Act, 1947 in respect of the Industrial Disputes raised by the petitioner, in relation to the suspension of the workmen Mohandoss and Chandrasekaran by the second respondent.

For Petitioner : Mr. C.K. Chandrasekaran

For Respondents : No Appearance

ORDER

The petitioner has filed this writ petition challenging the order of suspension dated 12.05.2004 in which, it is stated that the petitioner cannot raise the dispute in respect of the suspension. The Hon'ble Apex Court categorically upheld that the suspension can also be challenged by way of Industrial Dispute before the Labour Court. Before this Court, the order of suspension was challenged which is of the year 2004, but, admittedly, it would have become infructuous.

2. Accordingly, the writ petition is dismissed, as nothing survives for further adjudication, with liberty to the petitioner to file fresh petition for restoration or by way of review application. No costs. Consequently, connected Miscellaneous Petition is closed.

msm

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. Government of Pondicherry,
Represented by its Labour Officer,
Labour Department,
Karaikal.

sm:29.8.2018

W.P.No.14795 of 2004



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