

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30086 of 2019
and
W.M.P. No. 30034 of 2019

M/s. Foxconn Technologies India Pvt. Ltd.,
Rep. by its Director,
High Tech Special Economic Zone,
Sipcot - Sunguvarchathiram,
Sriperumbudur - 602 106,
Kanchipuram District. Petitioner

-vs-

1. The Assistant Labour Commissioner (Conciliation - I),
Irunkattukkottai, Sriperumbuthur,
Kanchipuram District.
2. United Labour Federation,
No. 149, Thambu Chetty Street,
C.J. Complex, 4th Floor,
Chennai - 600 001. Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
calling for the records of the First Respondent in Na. Ka. No.
A/1086/2018 and quash its order dated 29.08.2019.

For Petitioner : Mr. S.Makesh

For Respondents: Mr. D.Sathyaraj,
Special Government Pleader (for R1)
Mr. V.Prakash, Senior Counsel
for Ms. Karthikeyani (For R2)

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O R D E R
(through video conference)

Heard Mr. S.Makesh, Learned Counsel for the Petitioner,
Mr. D.Sathyaraj, Learned Special Government Pleader appearing
for the First Respondent and Mr. V.Prakash, Learned Senior
Counsel appearing for the Second Respondent and perused the

materials placed on record, apart from the pleadings of the parties.

2. The Petitioner challenges the Order in Na. Ka. No. Aa/1086/2018 dated 29.08.2019 passed by the First Respondent under Section 65(5) of the Tamil Nadu Industrial Disputes Rules, 1958 (hereinafter referred to as the 'Rules' for short), according status of 'protected workmen' to the Office Bearers of the Second Respondent, who are employed in the establishment of the Petitioner. Though the Writ Petition was filed on 18.10.2019, it is contended by the Learned Senior Counsel appearing for the Second Respondent that in terms of the proviso to Rule 65(5) of the Rules, the effect of the decision in the impugned order has lapsed on the expiry of six months from that date on 29.02.2020, and as such, any adjudication on the correctness or otherwise of the impugned order would be a futile exercise at this stage. Though it is true that nothing remains for further consideration in this Writ Petition, it is clarified that if a similar question arises in future, the rights of the respective contesting parties shall be determined on merits and in accordance with law, uninhibited and uninfluenced by the conclusion of the First Respondent in the order impugned in this Writ Petition.

3. The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Assistant Labour Commissioner (Conciliation - I),
Irunkattukkottai, Sriperumbuthur,
Kanchipuram District.

+1cc to Mr.M.Karthikeyan, Advocate, Sr.No.29205

W.P. No. 30086 of 2019

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rr ii (15/09/2020)