

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.32373 of 2019

and

W.M.P.Nos.32681 of 2019 & 1216 of 2020

United Labour Federation

(Regn.No.2657/CNI)

Rep. by its Secretary

No.149, IV Floor, C.J.Complex

Thambu Chetty Street,

Chennai-600 001.

...Petitioner

vs.

1.The Deputy Commissioner of Labour (Conciliation-1)
Sriperumbudur, Kancheepuram.

2.The Management of PPG Asian Paints Private Limited
Formerly known as Asian PPG Industries Limited

Rep. by its Managing Director

Plot No.L10, Phase II, SIPCOT Industrial Park,

Mambakkam (Post), Sriperumbudur,

Kancheepuram - 602 106.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order dated Na.Ka.A/1133/2018 dated 16.09.2019 and quash the same insofar as protected Workman status has been denial Santhosh Koil Raj and direct the first respondent to recognize Mr.Santhosh Koil Raj as a protected Workman under Section 33(4) of the Industrial Disputes Act, 1947 r/w Rule 65 (5) Tamil Nadu Industrial Disputes Rules, 1958.

For Petitioner : Mr.V.Prakash
Senior Counsel
for Mrs.M.Karthikeyani

For Respondents: Mr.K.Magesh
Special Government Pleader
for R1
Mr.D.Prabhu Mukunth Arunkumar
for R2.

O R D E R

This writ petition is filed challenging the order of the first respondent dated 16.09.2019, wherein and whereby, the first respondent granted status of protected Workman to 5 employees of the second respondent/Management and rejected for granting the said status to one S.Santhosh Koil Raj on the reason that the disciplinary proceedings is pending against the said employee.

2. Though the learned Senior Counsel appearing for the petitioner made elaborate submissions on the merits of the matter by inviting this Court's attention to the relevant provisions of law as well as the facts and circumstances of the case to say that the impugned order in not recognizing the said Santhosh Koil Raj is legally not sustainable, this Court is not inclined to express any view on the issue raised by the petitioner and contested by the second respondent in this writ petition, for the simple reason that the very impugned order has already become inoperative with effect from 30.09.2019 as found in the order itself.

3. When such being the factual position with regard to the life and effect of the impugned order, I do not think that this Court has to consider the question of law raised in this writ petition and give a decision on the same, as such exercise would purely be an academic one in view of the fact that the very impugned order itself has already become operative. Therefore, leaving the question of law/issues raised in this writ petition open to be agitated and adjudicated upon in the future case, this Writ Petition is disposed of as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mk

To

1. The Deputy Commissioner of Labour (Conciliation-1)
Sriperumbudur, Kancheepuram.

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2.The Management of PPG Asian Paints Private Limited
Formerly known as Asian PPG Industries Limited
Rep. by its Managing Director
Plot No.L10, Phase II, SIPCOT Industrial Park,
Mambakkam (Post), Sriperumbudur,
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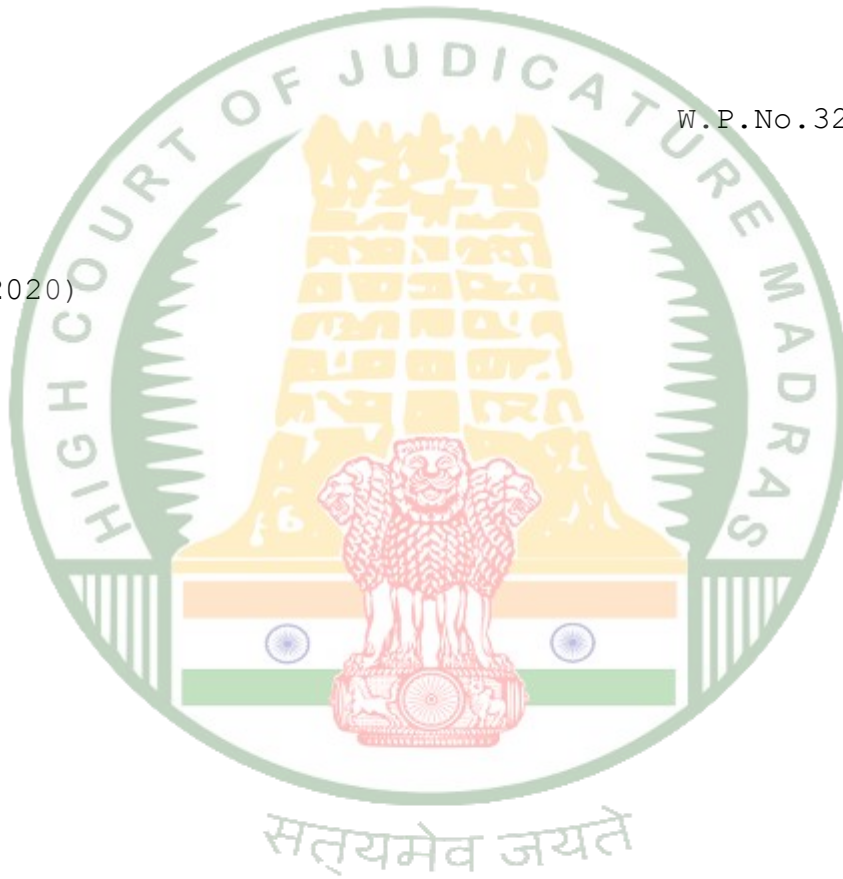
+1 CC to Mr.D.Prabhu Mukunth Arunkumar, Advocate sr 7962.

+1 CC to Govt. Pleader sr 7661.

+1 CC to Mr.M. Karthikeyan, Advocate sr 7313.

W.P.No.32373 of 2019

PVS (CO)
SP(02/03/2020)



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