

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.7316 of 2021
and
W.M.P.No.7818 of 2021

The Puducherry Power Corporation,
Employee's Social Welfare Union,
Rep.by its Secretary Mr.K.Lakshminarayanan
Regd.No.1665/RTU/2010,
(affiliated with AITUC - Puducherry State Council)
Rep.by its Secretary Thiru.K.Lakshminarayanan
No.174, Gandhi Salai, T.R.Pattinam,
Karaikal - 609 606. ... Petitioner

Vs.

- 1.The Under Secretary to Government (Labour),
Puducherry.
- 2.The Management,
Puducherry Power Corporation Limited,
Karaikal. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records relating to the memorandum No.1194/AIL/LAB/T/2020/769 dated 04.08.2020 issued by the under Secretary to Government (Labour), Puducherry and to declare the same as illegal and ultra vires and quashing the same and consequently upholding the order dated 03.01.2020 of the Labour Officer (Conciliation) as legal, correct and operative.

For Petitioner : Usharamman
For Respondents : M/s.G.Djearany,
Government Advocate (Pondy)
for R1
M/s.S.Girish for R2

O R D E R

The order under challenge in the writ petition is the order passed by the Appellate Authority holding the Conciliation Officer has no role after submitting a failure report.

2. In this matter, the petitioner / Union aggrieved over conversion of status of the "Junior Chemist" and "Boiler Attendant" from the category of "workmen" defined under Section 2 (s) of the Industrial Disputes Act, 1947 to Supervisory Officer. In the dispute raised by the petitioner / Union, the Conciliation Officer has recorded failure and sent a report to the Government. Subsequently, an industrial dispute was raised and the matter is pending before the Labour Court, Puducherry.

3. During the pendency of the Industrial Dispute before the Labour Court, Puducherry, the Conciliation Officer has passed another order in the very same issue, and the same was set aside by the Appellate Authority on appeal by the second respondent / Management.

4. In the considered opinion of this Court, once the Conciliation Officer submits a failure report, he will become functus officio and he cannot interfere with the affairs between the workmen and management in that particular dispute any further. It is for the parties to approach the Labour Court, before whom the matter is pending to get appropriate relief. Therefore, it is open to the petitioner / Union to approach the Labour Court to get appropriate relief.

5. The writ petition merits no consideration and accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Under Secretary to Government (Labour),Puducherry.

2.The Management,

Puducherry Power Corporation Limited,Karaikal.

+1 CC to Mr.Usharamman, Advocate SR No.18749

+1 CC to Government Pleader SR No.18496

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PCH(CO)

RG.19.04.2021