



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

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

W.P. Nos. 3314 and 3315 of 2012
and

M.P. Nos. 1 and 1 of 2012

W.P.No.3314 of 2012:

1. Larsen and Toubro Ltd, Pattali Thozhil Changan,
Reg. No.1249/RTU/2001
Rep By its president,
A.R.Shivakumar,
Having registered office at 109, 6th cross street,
Rathina Nagar,
Puducherry.

2. V.Rajendiran
3. V.Rajacanabady
4. R.Karunakaran
5. S.Pasupathi
6. R.Ganesan
7. K.Sakthivel

... Petitioners

-vs-

1. Appellate Authority {under the Industrial
- Employment (Standing order) Act 1946
- cum - Labour court, Puducherry,
Puducherry.

2. The Commissioner of Labour - Cum -
Certifying Officer,
Under the Industrial Employment
Standing Orders Act, 1946,
Office of the Commissioner of Labour,
Pondicherry,
Labour Department,
Government of Puducherry,
Puducherry.



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3. The Management of Larsen & Toubro Limited, ECC Division, Transmission Line Tower & Rolling mill units, Rep. by its Managing Director, Mylam Road, Sethurapet Post, Pondicherry - 605 111.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent to take up the Standing Order Appeal SR No. 1248 of 2012 filed against the order of Second Respondent dated 02.02.2010 and consequently direct the Third Respondent to not to give effect to the standing order No.03 of 2010, dated 02.02.2010 and declare that the Transfer order issued by the Third Respondent dated 04.01.2012 transferring the Petitioners 2 to 7 from Pondicherry factory to other state is illegal and without jurisdiction.

For Petitioners : Mr.V.Stalin

For R1 and R2 : Ms.G.Djearani
Government Advocate (Pondicherry)

For R3 : Mrs.Rita Chandrasekar

W.P.No.3315 of 2012:

1. Larsen and Toubro Ltd, Pattali Thozhil Chngam, Reg. No.1249/RTU/2001 Rep By its president, A.R.Sivakumar, Having registered office at 109, 6th cross street, Rathina Nagar, Puducherry.

2. Attralarasun

... Petitioners

-vs-

1. Appellate Authority {under the Industrial - Employment (Standing order) Act 1946 - cum - Labour court, Puducherry, Puducherry.



2. The Commissioner of Labour - Cum -
Certifying Officer,
Under the Industrial Employment
Standing Orders Act, 1946,
Office of the Commissioner of Labour,
Pondicherry,
Labour Department,
Government of Puducherry,
Puducherry.

3. The Management of Larsen &
Toubro Limited, ECC Division,
Form Work and Timber Shop Unit,
Transmission Line Tower & Rolling mill units,
Rep. by its Managing Director,
Mylam Road,
Sethurapet Post,
Pondicherry - 605 111.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent to take up the Standing Order Appeal SR No. 1247 of 2012 filed against the order of Second Respondent and consequently direct the Third Respondent to not to give effect to the standing order No.2 of 2010, dated 20.01.2010 and declare that the Transfer order issued by the Third Respondent dated 04.01.2012 transferring the Second Petitioner from Pondicherry factory to other state is illegal and without jurisdiction.

For Petitioners : Mr. V.Stalin

For R1 and R2 : Ms.G.Djearani
Government Advocate (Pondicherry)

For R3 : Mrs.Rita Chandrasekar

COMMON ORDER
(through video conference)

Heard Mr. V.Stalin, Learned Counsel for the Petitioners, Ms.G.Djearani, Learned Government Advocate (Pondicherry) appearing for the First and Second Respondents and Mrs. Rita Chandrasekar, Learned Counsel appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners in these Writ Petitions have sought for direction to the First Respondent to take up the Standing Order Appeal SR Nos. 1247 and 1248 of 2012 filed against the order



dated 20.01.2010 in Standing Order No. 2 of 2010 and order dated 02.02.2010 in Standing Order No. 3 of 2010 passed by the Second Respondent and for other consequential reliefs.

3. Learned Counsel for the Third Respondent submits that after the filing of these Writ Petitions, the First Respondent, had taken those appeals on file as S.O.A. Nos. 1 and 2 of 2012 and have on 28.02.2014 dismissed the same on merits, and the copies of those orders passed have been produced. In view of the same, the question of granting any of consequential reliefs claimed does not arise. However, if the Petitioners still have any grievance to be redressed, they are not precluded from working out their rights for necessary reliefs before the proper forum in accordance with law, and no view has been expressed by this Court on the merits of the controversy involved.

In the result, these Writ Petitions are dismissed with the aforesaid clarification. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

DM/KV

To

1. Appellate Authority {under the Industrial
- Employment (Standing order) Act 1946
- cum - Labour court, Puducherry,
Puducherry.
2. The Commissioner of Labour - Cum -
Certifying Officer,
Under the Industrial Employment
Standing Orders Act, 1946,
Office of the Commissioner of Labour,
Pondicherry, Labour Department,
Government of Puducherry, Puducherry.

+1cc to M/s.Row and Reddy, Advocate, S.R.No.43128
+1cc to M/s.Government Pleader for Puducherry, S.R.No.42440

W.P. Nos.3314 and 3315 of 2012
and M.P. Nos. 1 and 1 of 2012

JP-II(CO)
TE (03/09/2021)