



W.P.No.22410 of 2022
and W.M.P.No.21465 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.22410 of 2022
and W.M.P.No.21465 of 2022

Gencor Pacific Auto Engineering
Thozhilalargal Naam Thamizar Thozhirsangam,
Reg.No.1887/RTU/2021
Represented by its Secretary,
No.21, Bank Street, Thirubhuvanai,
Puducherry.

... Petitioner

Vs.

1.The Government of Puducherry,
Represented by its Secretary Labour Department,
Puducherry.

2.The Labour Officer Conciliation,
Labour Department,
No.15, Nehru Nagar, 1st Floor,
Puducherry - 605 011.

3.M/s.Gencor Pacific Auto Engineering (Pvt) Ltd.,
Represented by its Plant Head,
Plot No.A-25, PIPDIC Industrial Estate,
Electronic Park, Thirubhuvanai,
Puducherry - 605 107.

... Respondents



W.P.No.22410 of 2022
and W.M.P.No.21465 of 2022

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 3rd respondent from altering the service conditions of the members of the petitioner union whose names are given in the annexure to the writ petition in any manner including discontinuance of service or transferring, deputing to far off places or failing to provide employment in any manner without getting permission under Section 33 of Industrial Disputes Act in pending Industrial Dispute between the petitioner and the 3rd respondent before the 2nd respondent and further directing the 2nd respondent to conciliate and effect settlement and if no settlement is forthcoming, to submit failure report before the 1st respondent under Section 12(4) of the Industrial Disputes Act and in turn direct the 1st respondent to refer the dispute for adjudication by competent Industrial Tribunal or Labour Court.

For Petitioner : Mr.P.R.Thiruneelakandan
For R1 : Ms.Sharada Vivek,
AGP (Puducherry)

ORDER

When the matter is taken up for hearing today, Ms.Sharada Vivek, learned Additional Government Pleader (Puducherry) for the first



W.P.No.22410 of 2022
and W.M.P.No.21465 of 2022

WEB COPY

respondent filed notifications issued by the Labour Department in G.O.Rt.No.13/LAB/AIL/T/2023 dated 07.02.2023 and G.O.Rt.No.25/LAB/AIL/T/2023 dated 23.02.2023 stating that after the failure report they have referred the matter before the Labour Court, Puducherry and therefore, nothing survives for further adjudication in the present writ petition.

2. Mr.P.R.Thiruneelakandan, learned counsel for the writ petitioner would contend that the second respondent had not filed the failure report with regard to the payment of bonus as raised by them on 20.10.2021.

3.However, the fact remains that there is no prayer in the present writ petition with regard to payment of bonus. Therefore, nothing survives for further adjudication.



WEB COPY



W.P.No.22410 of 2022
and W.M.P.No.21465 of 2022

4. Accordingly, the present Writ Petition is dismissed. No costs. Consequently, connect Writ Miscellaneous Petition is closed.

06.11.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



WEB COPY



W.P.No.22410 of 2022
and W.M.P.No.21465 of 2022

R. HEMALATHA, J.

mtl

To

1.The Government of Puducherry,
Represented by its Secretary Labour Department,
Puducherry.

W.P.No.22410 of 2022
and W.M.P.No.21465 of 2022

06.11.2023