

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.396 OF 2013

ORDER:

No representation on behalf of learned counsel for the petitioner when the case is called.

2. The petitioner approached the Court seeking the prayer is as follows:

“To call for all the relevant records on the subject matter touching there upon and to issue writ or order or direction and more particularly, on in the nature of Writ of Writ of Mandamus, declaring that:

i) the inaction of the 2nd respondent/Conciliation Officer & Deputy Commissioner of Labour, Rangareddy district, in so far as discharging his statutory duties as Conciliation Officer under section 4 of the I.D.Act, 1947 read with G.O.Ms.No.46 LET & F (LAB-IV) Department with reference to Charter of Demands dated 13.09.2011 and further action pursuant to his Notice bearing No.B/1159/2011 dated 13.07.2012, as arbitrary and illegal, besides violative of Article 14, 16, 21, 43 of the Constitution of India. And consequently,

ii)direct the 2nd respondent/Conciliation Officer & Deputy Commissioner of Labour Rangareddy District to dispose the representations dated 13.09.2011 with

reference to Charter of Demands, by initiating further action pursuant to his Notice bearing No.B/1159/2011 dated 13.07.2012, against the 3rd respondent management invoking the provisions of Sec.25 – U of the I.D.Act, 1947.

Or pas such other order or direction, as deemed fit and proper in the circumstances of the case in the interest of justice and equity.”

3. Learned Government Pleader for Labour brings on record written instructions dated 26.10.2015, vide letter No.A/312/2015, with few enclosures. A bare perusal of the letter dated 25.05.2015 of the General Manager, M/s Srivaari Chemicals (Pvt.) Ltd. Kandukur Village and Mandal, Ranga Reddy District addressed to the Secretary, (Incharge Labour), The Government of Telengana, Hyderabad, which reads as under:

Under Clause (c) of Section 25 F of the Industrial Disputes Act, 1947 (Central Actr 13 of 1947), we hereby inform you that we have decided to retrench 50 workmen with effect from 25th May 2015 for the reasons explained in this annexure.

2. The workmen concerned were given on 25th May 2015, One month notice pay in lieu of notice as required under Clause (a) of Section 25F of that Act.

3. The total number of the workmen employed in the industrial establishment is 50 and the total number of those who will be effected by the retrenchment is given below:

Category and designation of workmen to be retrenched	Number of Workmen	
	Employed	To be retrenched
Operator	09	09
Electrician	03	03
Welder	02	02
Boiler Attendant	05	05
Lab Asst.	01	01
Cook	01	01
Driver	01	01
Stores Attendant	02	02
Helper	26	26

4. We hereby declare that the workmen concerned have been paid compensation due to them under Section 25 F of the Act.”

4. A bare perusal of the statements enclosed to the letter dated 26.10.2015 pertaining to lay-off compensation for the month of April, 2015, clearly evidences the signatures of the employees of having received the Lay-off Compensation in cash, and the management having paid lay off and retrenchment compensations, one month wage in lieu of notice pay to the workers.

5. Bringing the said submission on record, the writ petition is closed. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

MRS JUSTICE SUREPALLI NANDA

Date:07.02.2023
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