



WEB COPY



W.P.No.19321 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON: 30.01.2024

ORDER PRONOUNCED ON : 15.03.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.19321 of 2020

and

WMP.No.8852 of 2021

TTK Health Care Employees Union,
Affiliated to Indian National Trade Union Congress
Pondicherry State (INTUC),
Rep. by its president,
No.50, Vellalar Street,
Pondicherry-1.

...Petitioner

Vs.

1.The Secretary to the Government,
Labour Department - Cum - Commissioner of Labour,
Government of Puducherry,
Puducherry.

2.TTK Health care Limited,
Protective Devices Division,
(formerly known as TTK protective Devices Limited),
Rep. by its Managing Director,
No.12, Thiruvaandar Koil,
Puducherry-605 102.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus direct the 2nd respondent to implement the 1st Respondent's order bearing reference No. 10359 / LAB / AIL/ T / 2019 / 1004, dated 25.09.2020 and extend the benefit of 18(1) settlement dated 27.07.2009 to the petitioner Union members with effect from 27.07.2009, within a stipulated time without prejudice to the petitioner union's right in the pending industrial dispute ID (T) 13 of 2014, on the file of industrial Tribunal, Puducherry.

For Petitioner : Mr.P.R.Thiruneelakandan
For Respondents : Mr.V.Vasanthakumar,
Additional Government Pleader,
for R1
Mr.S.Ravi
for M/s.Gupta and Ravi
for R2

ORDER

Writ petition is filed for a writ of mandamus directing the 2nd respondent to implement the 1st respondent's order dated 25.09.2020 and extend the benefit of 18(1) settlement dated 27.07.2009 to the petitioner Union members with effect from 27.07.2009, within a stipulated time without prejudice to the petitioner union's right in the pending industrial dispute in I.D.(T).No.13 of 2014.



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2. Petitioner is a trade union and the members are working under the 2nd respondent. The petitioner along with another trade union, ULF raised an industrial dispute in I.D.No.13 of 2014 before the Industrial Tribunal, Puducherry over the revision of wage and other allowances. During the pendency of the said industrial dispute, the 2nd respondent entered into a 18(1) settlement with the other trade union, ULF, and in terms of the said settlement rationalisation and the revision of wage was implemented by the 2nd respondent factory for all, but the members of the petitioner union. The petitioner union demanded the 2nd respondent to pay revised wage to its members also, without prejudice to its right in the pending industrial dispute, but the 2nd respondent refused to pay the revised wage to its members. The petitioner therefore approached the 1st respondent who vide order dated 25.09.2020 directed the 2nd respondent to pay the revised wage to the members of the petitioner union in terms of the said 18(1) settlement and report the same to the Industrial Tribunal. In spite of the above said order, the 2nd respondent refused to pay the revised the wage to its members insisting them to sign the 18(1) settlement as a precondition to



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the wage revision. Under the circumstances the petitioner filed the above writ petition for mandamus directing the 2nd respondent to implement the 1st respondent's order dated 25.09.2020 and extend the benefit of 18(1) settlement dated 27.07.2007 to the members of the petitioners union with effect from 27.07.2009, without prejudice to the petitioner union's right in the pending industrial dispute in I.D (T).No.13 of 2014.

3. At the time of hearing of the writ petition, the learned counsel for the 1st respondent produced the order dated 30.11.2021 of the Deputy Commissioner, Labour Department, Government of Puducherry, wherein it is stated that the order dated 25.09.2020 of the Labour Department, Government of Puducherry was withdrawn.

4. As the 1st respondent has withdrawn the order dated 25.09.2020, on 30.11.2021, in my view the prayer in the writ petition has become infructuous.



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Accordingly writ petition is dismissed as infructuous. No costs.

Consequently connected WMP is closed.

15.03.2024

dsn

Index:Yes/No

Speaking Order: Yes/No

Neutral Citation:YesNo



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N.MALA.J.

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To
The Presiding Officer,
Industrial Tribunal, Puducherry.

PRE-DELIVERY ORDER IN
W.P.No.19321 of 2020

ORDER DELIVERED ON
15.03.2024
(1/3)