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W.P.No.14760 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

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THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Writ Petition No. 14760 of 2021

The Puducherry Power Corporation
Employee's Social Welfare Union,
Rep. by its Secretary Thiru.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 Secretary to Government (Labour) - cum -
Commissioner of Labour,
Labour Department Puducherry.
2. The Management,
Puducherry Power Corporation Limited,
Karaikal.

.... Respondents

Prayer: To issue a Writ, order or Direction in nature of Writ of Certiorarified Mandamus calling for records relating to order dated 22.09.2019 passed by the first respondent / labour Department and quash the same and consequently pass orders conferring the list of Office Bearers submitted by the petitioner Union as protected Workman for the year,



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For Petitioner : M/s. Usha Ramman

For Respondent : Mr. A.Tamilvanan,
Additional Government Pleader

ORDER

This writ petition was filed by a Trade Union seeking to challenge the order of the Labour Department of Puducherry in refusing to accept the names proposed by it to be recognized as protected workmen in terms of Section 33(3) of the Industrial Disputes Act, 1947.

2. The Trade Union's letter for recognizing the list of office bearers as protected workmen for the years 2020 - 2021 was not accepted by the management. Therefore, the union sent a complaint to the Regional Labour Officer, Karaikkal on 14.05.2020.

3. Since the request was not accepted, the Union is before this Court. Under Section 33 (3) of the Industrial Disputes Act, the safeguards given to the protected workmen is set out. The Industrial Disputes Central Rules,



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1957, more particularly Rule 61 deals with the procedure for recognizing a protected workman. Rule 61 (4) deals with the resolution of dispute in this regard. However, the status of protected workmen to be rendered only for one year and each year fresh application has to be made by the union failing which the matter will have to be taken to the labour department.

4. In this case, the rejection was made in the year 2020, and the recognition for protected workmen was sought for one year i.e. 2019-2020. More than 4 years have lapsed and the matter has become infructuous. This court do not adjudicate on disputes which no longer survives or on academic issues. Hence W.P.No. 14760 of 2021 will stand dismissed. No costs. It is made clear that the dismissal of the W.P. will not prevent the Petitioner Union from applying for protective workmen status for its office-bearers and any dispute arising thereof shall be decided purely on its own merits and the dismissal shall not be taken into account.

13.02.2025

Neutral Case Citation: Yes/No
Index: Yes/No
Internet: Yes/No
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DR. A.D.MARIA CLETE, J.

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To

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2. The Management,
Puducherry Power Corporation Limited,
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