



WEB COPY

WP..No.35029/2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 29-10-2025

PRONOUNCED ON 03.11.2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

**WP.No.35029/2025 and WMP No. 45027 of 2025,
WMP NO. 39186 OF 2025 and WMP NO. 39187 OF 2025**

1. H And R Johnson Thozhilalargal
Nala Sangam,
(reg. No.1281/rtu2001) Rep. By Its
Secretary, No., Makalambal Nagar,
Petai Road, Thirunallar, Karaikal-609
607, Union Territory Of Puducherry.

Petitioner(s)

Vs

1. The Commissioner Of Labour
Government Of Puducherry,
Puducherry-605 001.

2.Prism Johnson Limited
(h And R Johnson (india) Division),
Rep. By Its Managing Director,
Factory At Thirunallar, Karaikal.



Respondent(s)

WEB PRAYER

Writ petition filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus restraining the 1st respondent-Commissioner of Labour from entertaining or granting any post facto approval for the retrenchment of 36 permanent workmen affected by the 2nd respondent and further restrain the 1st respondent from according any permission for closure of the 2nd respondents factory at Karaikal during the pendency of the industrial dispute consequently restrain the 2nd respondent from removing any plant machinery or equipment from its Karaikal factory premises during the pendency of conciliation/ adjudication proceedings.

For Petitioner:	Mr.P.R.Thiruneelakandan
For R1	M/s.G.Djearany, GA
For R2	Mr.S.Ravindran, Senior counsel for M/s.Sai Raaj Associates

ORDER

(1)This writ petition is filed for a mandamus, restraining the 1st respondent-Commissioner of Labour from entertaining or granting any post facto approval for the retrenchment of 36 permanent workmen affected by the 2nd respondent and further, to restrain the 1st respondent from according any permission for closure of the 2nd respondent's factory at Karaikal during the pendency of the Industrial Dispute and consequently, to restrain the 2nd



respondent from removing any plant machinery or equipment from its Karaikal factory premises during the pendency of conciliation/ adjudication proceedings.

(2)The petitioner/Sangam represents majority of the permanent employees of the 2nd respondent's Karaikal factory. The 2nd respondent is engaged in the manufacture and sale of ceramic and vitrified tiles and allied products. According to the petitioner, the factory employs more than 100 permanent, contract employees in its regular manufacturing operations. The petitioner states that on 30.07.2025, the 2nd respondent, abruptly retrenched 36 permanent workers, all members of the petitioner/Sangam without any prior permission from the Government of Puducherry, as mandated under Section 25N of the Industrial Disputes Act, 1947. The petitioner states that immediately, it raised an Industrial Dispute on 31.07.2025, over the illegal retrenchment of 36 workers. The petitioner further states that in the conciliation proceedings before the Labour Officer, Karaikal, the 2nd respondent sought to justify its action by contending that Chapter-V-B of the Industrial Disputes Act, was not applicable to it. The petitioner states that on



30.07.2025, the 2nd respondent filed an application before the 1st respondent seeking post facto approval of the retrenchment of the 36 workers and the petitioner/Sangam filed its' objections on 29.08.2025, stating that prior permission was mandatory under Section 25N of the ID Act and no post facto ratification was permissible. Since the 2nd respondent attempted to remove machinery from the Karaikal factory premises and tried to close the Undertaking in violation of the provisions of Sections 25O, 9A and 33 of the ID Act, the petitioner filed the above writ petition for the aforesaid relief.

(3)The learned Government Advocate appearing for the 1st respondent produced the Government Notification dated 24.10.2025, in G.O.Rt.No.57/LAB/AIL/S/2025, referring the dispute for adjudication by the Labour Court. Therefore, the learned counsels appearing for the respondents 1 and 2 submitted that since the dispute raised by the petitioner was referred to the Labour Court by the aforesaid Government Order, the prayer in the writ petition has become infructuous and hence, the writ petition deserve to be dismissed.

(4)The learned counsel for the petitioner/Sangam, on the other hand, submitted



that under Chapter V-B of the Industrial Disputes act, when the Industrial Establishment employs more than 100 workmen, under Section 25N, it was mandatory for the employer to seek and obtain prior permission from the appropriate Government before retrenchment of any workman, who had completed one year of continuous service. The learned counsel submitted that the requirement of prior permission was a condition precedent to retrenchment and the retrenchment made without such permission, was illegal, *void-ab-initio*, and unenforceable in law. The learned counsel therefore submitted that the retrenchment effected by the 2nd respondent without obtaining prior approval, was liable to be declared as null and void.

(5) Heard both sides and perused the materials placed on record. With the consent of the learned counsels, the writ petition is taken up for final disposal.

(6) Admittedly, the retrenchment of the 36 workmen belonging to the petitioner/Sangam, has been referred to the Labour Court for adjudication by the Government of Puducherry vide G.O.Rt.No.57/LAB/AIL/S/2025 dated 24.10.2025. The dispute referred to, is as follows:-



ANNEXURE

- i. *Whether any Industrial Dispute of legality of retrenchment exist or not?*
- ii. *Whether the dispute raised by the petitioner Union H&R Johnson Thozhilalar Nala Sangam Reg. No.1281/RTU/2001, Karaikal, over retrenchment of 36 union workers [operators] by the Management M/s.Prism Johnson Ltd., H&R Johnson [India] Division, Karaikal, is justified or not? What relief they are entitled to?*
- iii. *To compute the relief, if any, awarded in terms of money, if it can be so computed.*

(7) It is manifest from the terms of reference that the dispute pertains to the legality of the retrenchment of 36 workmen by the 2nd respondent. In my considered view, all the issues touching upon the legality of the said retrenchment are matters to be adjudicated by the Labour Court, to which the reference has been duly made. The issue as to whether Section 25F of Chapter IV-A or Section 25N of Chapter V-B are attracted to the case of the petitioner Union, is also one that appropriately falls within the domain of the



Labour Court while examining the validity of the retrenchment. I am therefore, in agreement with the submissions advanced by the learned counsels appearing for the respondents 1 and 2 that the relief in the writ petition has, in consequence, become infructuous.

(8) Hence, I find no merit in the writ petition and hence, the same is **dismissed**.

No costs. Consequently, connected miscellaneous petitions are closed.

03-11-2025

AP

Index: Yes/No

Speaking / Non-speaking Order

Internet: Yes

Neutral Citation: Yes/No



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N.MALA J.

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**Order in
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