

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 22ND DAY OF NOVEMBER 2002

BEFORE

THE HON'BLE MR. JUSTICE H.L. DATTU

WRIT PETITION NO.32173/2000 (L-RES)

BETWEEN:

Chamundeswari Sugars Ltd.
Workers and Staff Association
(Registered) represented by
its General secretary,
Bharathinagara
(K.M. Doddi)
Mandya District.571 422.

..Petitioner

(By Sri. Syed Basheer Mohd.
For Sri. T. Narayana swamy, Adv.)

AND

1. The Assistant Labour Commissioner,
And Conciliation Officer,
Mysore Division,
Mysore.

2. The Management of M/s.
Chamundeswari Sugars Ltd.,
Represented by its President,
Bharathinagara (K.M. Doddi)
Mandya District 571 422.

.. Respondents

(By Sri.M.R. Vijayakumar, HCGP for R-1;

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Sri. H.N. Shashidhar for
Sri. G.v. Shanthraju for R-2)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt.4.9.2000 vide Ann.G by R-1 and declare that the persons mentioned therein are the protected workmen etc.

This writ petition coming on for preliminary hearing in 'B' Group, this day, the Court made the following:-

O R D E R

Though the matter is listed for preliminary hearing in 'B' Group, by consent of the learned counsel appearing for the parties to the lis, it is taken up for final hearing.

2. The Chamundeswari Sugars Ltd. Workers & Staff Association ('Association' for short) is before this Court aggrieved by the orders made by

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the Assistant Labour Commissioner and Conciliation Officer, Mysore dated 4th September 2000. By the said order, the Assistant Labour Commissioner has confirmed the orders made by the Management of the Association.

3. Certain Office bearers of the Association had approached the second respondent Management to declare them as protected workmen for the year 2000-2001. The request so made was rejected by the Management. Aggrieved by the said order, they have approached the Assistant Labour Commissioner, Mysore Division, Mysore, who by his order dated 4th September 2000 has confirmed the orders made by the Management and has rejected the request of the office bearers of the Association.

4. At this stage, this Court need not have to consider the correctness or otherwise of the

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impugned orders made by the respondents, since I am informed that every year, the office bearers of the Association have to approach the Management to declare them as protected workmen and if for any reason that is not granted, then they can always go before the Assistant Labour Commissioner.

5. In view of the above, the relief sought for by the Association in this writ petition as of today does not survive for consideration by this Court. Accordingly, petition is disposed of as unnecessary. Ordered accordingly.

6. Sri. M.R. Vijayakumar, learned Government Pleader is permitted to file his memo of appearance within six weeks from today.

BMV/22112002

**Sd/-
Judge**