

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.738 of 2015

P.Kanagaraj

.. Appellant

Vs.

The Chairman and Managing Director,
Indian Overseas Bank, Central Office,
763, Anna Salai,
Chennai-600 002.

.. Respondent

This writ appeal is preferred under Clause 15 of Letters Patent against the order dated 27.08.2014 made in W.P.No.23236 of 2014.

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondent Bank to ensure compliance with the Industrial Disputes Act, 1947 and Rules thereunder read with Trade Unions Act, 1926, in respect of any Industrial dispute concerning industrial relations between the respondent-Bank and its employees, restraining employees ceasing to be in the active employment of the respondent-Bank to respondent the employees in such disputes and settlements.

For Appellant : Mr.Perumbulavil Radhakrishnan

JUDGMENT

(The Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant intra-court appeal is directed against the order dated 27.08.2014 passed in W.P.No.23236 of 2014, wherein and whereunder, the writ petition, seeking a direction to the respondent Bank to ensure compliance with the Industrial Disputes Act, 1947 and Rules thereunder read with Trade Unions Act, 1926 in respect of any industrial dispute concerning industrial relations between the bank and its employees, restraining employees ceasing to be in the active employment of the bank to represent the employees in such disputes and settlements, was dismissed.

2. The writ petitioner/appellant, claiming to be an employee of the respondent Bank, had filed the above writ petition seeking the aforestated relief that the respondent Bank should not permit the ex-

employees to represent the employees in case of any dispute and execution of settlements.

3. The writ petitioner in his petition has not stated any specific instance of dispute or agreement, wherein a named person, who after retirement or after demitting the service from the respondent bank, had been permitted to represent the employees in respect of any dispute or agreement. The entire petition was based on the legal provisions, as understood by the petitioner, without referring to any facts, wherein statutory provisions of the aforestated Acts have been violated.

4. The facts as to whether an employee, after having ceased to be an employee, is entitled to represent the employees, cannot be gone into unless some specific instances are pointed out, wherein an ex-employee, not being the member of the trade union, has been permitted to represent the employees in the dispute and also was one of the signatories in the execution of certain agreement or settlements. The writ petition is vague and it did not even point out any specific cause of action to call for the indulgence of this court.

5. We have examined the pleadings at length and also has gone into the impugned order passed by the learned Single Judge.

6. We do not find any merit in the averments as pleaded as well as in the contentions advanced by the appellant/ writ petitioner before us, warranting interference with the order sought to be impugned in this appeal.

7. As a result, the writ appeal stands dismissed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Chairman and Managing Director,
Indian Overseas Bank, Central Office,
763, Anna Salai,
Chennai-600 002.

+1 cc to M/s.Perumbulavil Radhakrishnan, Advocate,SR.27899.

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