

In the High Court of Judicature at Madras

Dated: 10.09.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.28335 of 2015
& M.P.Nos.1 to 3 of 2015

- 1 Apollo Tubes Employees Union
Rep. by General Secretary No.6C-/4 TNHB
RDO Compound Ranipet Vellore District.

.... PETITIONER

Vs

- 1 The Government of Tamil Nadu
Rep. by its Secretary Department of Labour
Welfare and Employment Secretariat Fort St.
George Chennai-9.
- 2 The Additional Registrar of
Trade Union O/o.Registrar of Trade Union
DMS Teynampet Chennai-6.
- 3 The Deputy Commissioner of
Labour-I O/o.Labour Commissioner Chennai-
600 006.
- 4 The Regional Commissioner
EPF Sub Regional Office Sathuavachery
Vellore.
- 5 The Apolo Tubes & Steel
Industries Ltd 1 Malcha Mora Chanakyapuri
New Delhi-21 Rep. Official Liquidator
Attached to High Court of New Delhi HCT
Buldgs New Delhi.
- 6 P.Jeevaraj
M/s.Apollo Tubes and Steels Industries
Employees Union No.8 Parry Nagar Ranipet
Vellore-632 401.

.... RESPONDENTS

PETITION under Article 226 of The Constitution of India praying for the issuance of writ of Declaration declaring the order made in Ni.Mu.No.3/6540/14 dated 17.9.2014 passed by the 3rd respondent and the consequential Certificate No.789/ NAT dated 17.9.2014 issued by the 2nd respondent are illegal and unconstitutional and further forbearing the respondents 4 and 5 from dispersing settlement of closure compensation and Employees Provident Fund through 6th respondent.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.R.Vijayakumar, AGP - R1 to R3
Mrs.V.J.Latha - R4

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The grievance expressed by the petitioner appears to be that the 6th respondent managed to get registration for its Union with almost similar name as that of the Petitioner Union and the 6th respondent has also filed O.S.No.73 of 2011 against the Petitioner Union praying for declaration declaring that he is the General Secretary of the Petitioner Union and also prayed for permanent injunction restraining the General Secretary of the Petitioner Union from acting as Secretary and no interim orders have been granted in favour of the 6th respondent and the same is pending adjudication. The petitioner would further state that the 6th respondent simultaneously approached the Joint Commissioner of Labour seeking for changing the name of the union from Apollo Tubes Employees Union to Apollo Tubes and Steel and Industries Employees Unions and by order dated 17.9.2014, the name change was effected and thereafter, the 6th respondent submitted Form 6A. According to the petitioner, the same has been done without the consent of the petitioner union. In this regard, a detailed representation dated 05.01.2015 was sent to the Commissioner of Labour as well as to the Government. Since no orders have been passed, the petitioner came forward to file this Writ Petition challenging the registration of the 6th respondent union under the provisions of the Trade Union Act.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 3 and Mrs.V.J.Latha, learned counsel, who accepts notice on behalf of the fourth respondent.

4. Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without

going into the merits of the claim projected by the petitioner in this Writ Petition or in the representation, permits the petitioner to submit one more representation to respondents 2 and 3 within a period of two weeks from the date of receipt of a copy of this order. The third respondent, on receipt of the same, is directed to consider the said representation after putting on notice respondents 5 and 6 and pass orders on merits and in accordance with law within a period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to respondents 5 and 6.

The Writ Petition is disposed of accordingly. No costs. Consequently, M.P.Nos.1 to 3 of 2015 are closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1 The Government of Tamil Nadu
Rep. by its Secretary Department of Labour
Welfare and Employment Secretariat Fort St.
George Chennai-9.
- 2 The Additional Registrar of
Trade Union O/o.Registrar of Trade Union
DMS Teynampet Chennai-6.
- 3 The Deputy Commissioner of
Labour-I O/o.Labour Commissioner Chennai-
600 006.
- 4 The Regional Commissioner
EPF Sub Regional Office Sathuavachery
Vellore.

+1 cc to Mr.M.Nagarathinam,Advocate(sr.49308)
+1 cc to Government Pleader (sr.49862)

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svi(co)
cp 28/09/2015