

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.40440 of 2015
& MP.No.1 of 2015

HMS NLC Labour and Staff Union,
Rep. by its General Secretary,
D-138, Anna Road,
Block-18, Neyveli-607 803. Petitioner

Versus

1. The Neyveli Lignite Corporation Limited,
Rep. by its Executive Director (Human Resources),
Corporate Office,
Neyveli-607 801.
2. The Executive Director/Township Administration,
Neyveli Lignite Corporation Limited,
Neyveli-607 801. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus to call for records relating to the order dated 24.11.2015 bearing reference Lr.No.ATA/ESI/TA/1099-3/2015 of the second respondent and quash the same as being illegal, unreasonable and unconstitutional and consequently direct the respondents' Corporation to permit the petitioner to continue to have the Union at the premises allotted to them.

For Petitioner : Mr.C.K.Chandrasekar

For Respondents : Mr.F.B.Benjamin George

O R D E R

Heard Mr.C.K.Chandrasekar, learned counsel appearing for the petitioner, Mr.F.B.Benjamin George, learned counsel who accepts notice on behalf of the respondents and with their consent, the writ petition is taken up for final disposal.

2. The petitioner seeks for quashing the order passed by the second respondent dated 24.11.2015 and to direct the respondent Corporation to permit the petitioner Union to continue to have the Union at the premises allotted to them.

3. The petitioner is the Trade Union consisting of members, who are the employees of the Neyveli Lignite Corporation Limited. By proceedings dated 01.10.1986, the petitioner Union was allotted a non residential premises in the NLC Township to be used by the petitioner Union as their Office. By the impugned proceedings, the allotment has been cancelled. Prior to the issuance of the impugned order, a show cause notice was issued to the petitioner, the petitioner has submitted its explanation and the respondent/Management not satisfied with the explanation offered by the petitioner Union, cancelled the allotment.

4. In my view, the writ petition of this nature cannot be entertained, challenging the impugned proceedings. Admittedly, the employees of the petitioner Union had indulged in strike and there are connected matters which are pending before this Court, wherein, it has been held that inspite of the prohibitory order of injunction, the employees Union went on strike, that apart, it is stated that Contempt Petition is pending against the employees, who went on strike, who are also the members of the petitioner Union. This fact has not been disputed by the petitioner Union. Further, the allotment of the quarters for a Trade Union to be used as an Office, are all matters purely within the realm of the discretion of the Management, in order to maintain a congenial atmosphere. Due to the terms of allotment which have been mentioned in the impugned proceedings, this Court in a writ petition cannot examine as to whether the petitioner Union is entitled for the allotment of the residential quarters for non-residential purpose. Therefore, if the petitioner Union is aggrieved, then it has to invoke the remedies available to them under the provisions of the Industrial Disputes Act and therefore, the prayer sought for in this writ petition is misconceived.

5. Hence, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Director(Human Resources),
The Neyveli Lignite Corporation Limited,
Corporate Office,
Neyveli-607 801.
2. The Executive Director/Township Administration,
Neyveli Lignite Corporation Limited,
Neyveli-607 801.

+1cc to Mr.C.K.Chandrasekar, Advocate, S.R.No.69152

+1cc to Mr.F.B.Benjamin George, Advocate, S.R.No.69698

W.P.No.40440 of 2015
& M.P.No.1 of 2015

MP(CO)
CA(18/01/2016)

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