

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition Nos.28131 of 2015 and 32196 of 2014

Dated 07.11.2015

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WP.No.32196/14

Between:

Labour & Employees Union
of Greater Hyderabad Municipal Corporation,
Hyderabad,
rep. by its President Pratap Singh

... Petitioner

and

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The Govt of Telangana State
rep. by its Prl.Secretary
Labour, Employment & Training Dept.,
Hyderabad and 3 others.

...Respondents

Counsel for the petitioner: None appeared

Counsel for respondent Nos.1 to 3: GP for Labour (TS)

Counsel for respondent No.4: None appeared

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WP.No.28131/15

Between:

MCH Labour & Employees Union
of Greater Hyderabad Municipal Corporation,
Hyderabad,
rep. by its working President D.Preetham Singh

... Petitioner

and

-

The State of Telangana
rep. by its Prl.Secretary
Labour, Employment & Training Dept.,
Hyderabad and 3 others.

...Respondents

**Counsel for the petitioner: Mr.Ashok Kumar
for Mr.A.Ravi Shankar**

Counsel for respondent Nos.1 to 3: GP for Labour

Counsel for respondent No.4: None appeared

The Court made the following:

Common Order :

The petitioner- Union, which is common in both the Writ Petitions, with the only difference that in WP.No.32196 of 2014, Mr.Pradeep Singh is shown as the President representing it and in WP.No.28131 of 2015, his son-Mr.Preetam Singh is shown as the President representing it, filed the same for identical reliefs *viz.*, to direct respondent No.2- Joint Commissioner of Labour, Hyderabad (Twin Cities), to delete the retired, expired and outsourced employees for

the purpose of preparation of correct voters' list for finding out the recognized Union in respondent No.4- Organisation.

As the Counsel for both the petitioners were not present on 06-11-2015, the cases have been adjourned to today for being posted under the caption 'for dismissal'.

Today, Mr.Ashok Kumar, learned Counsel, submitted that he has instructions to appear for Mr.A.Ravi Shankar, Counsel for the petitioner in WP.No.28131 of 2015. Neither Mr.K.Vasudeva Reddy, Counsel, nor any one representing him is present for representing the petitioner in W.P.No.32196 of 2014.

Mr.Ashok Kumar, learned Counsel, has candidly admitted that the prayer in both these Writ Petitions is identical and that the petitioner is also common with the only difference that the father has represented it in W.P.No.32196 of 2014 and his son has represented it in WP.No.28131 of 2015. He has also fairly conceded that the petitioner has not disclosed in WP.No.28131 of 2015 the fact that it has already filed WP.No.32196 of 2014 for identical relief.

The above noted facts would clearly reveal that the petitioner has indulged in suppression of material fact *viz.*, filing of WP.No.32196 of 2014 and abused the process of Court by filing WP.No.28131 of 2015 for the same relief, for which it has filed the earlier Writ Petition. The jurisdiction under Article 226 of the Constitution of India being not only extraordinary but also discretionary in nature, a person or a body of persons, which indulged in suppression of material fact do not deserve any relief. Therefore, both the Writ Petitions are dismissed without adjudicating on merits. For indulging in blatant suppression of material fact, the petitioner is saddled

with costs of Rs.10,000/- payable to the Chief Justice Relief Fund within one month from today. If such costs are not paid, the High Court Legal Services Authority shall initiate appropriate steps for recovery of the same.

As a sequel to dismissal of the Writ Petitions, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 7th November, 2015

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