

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 27062 OF 2003

Between:

Sri Bhajarang Jute Mill Workers Federation,
Regd.No.C527, rep. by its President A.Nikalson. ...Petitioner

And

The Commissioner of Labour,
Anjaiah Smaraka Sankeshema
Karmika Bhavan, R.T.C X road,
Musheerabad, Hyderabad and another. ..Respondents

Date of Judgment pronounced: 12.08.2015

Submitted for Approval:

The Hon'ble Sri Justice A.Rajasheker Reddy

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1. Whether Reporters of Local newspapers

May be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be

Marked to Law Reporters/Journals Yes/No

3. Whether His Lordship wish to see the fair

Copy of the Judgment? Yes/No

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 27062 of 2003

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ORDER :

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This writ petition is filed seeking writ of mandamus directing the respondents to initiate process of conducting elections under the code of discipline to determine the majority union in the organization of petitioner on the petitioner's representation dated 30.11.2003 and direct the respondents to fulfill their statutory obligation.

2. Counter affidavit is filed by the 2nd respondent stating that the code of discipline is not a statutory one and it does not have any statutory force. The petitioner has no right to demand the 2nd respondent to recognize it. The 2nd respondent is a Private Limited company incorporated under the provisions of the Companies Act, 1956, as such, it is not amenable to writ jurisdiction in the absence of any statutory obligation in this aspect and sought for dismissal of the writ petition.

3. No reply has been filed by the petitioner to the counter affidavit filed by the 2nd respondent.

4. None appeared for the petitioner as well as for the respondents.

5. Since the petitioner has not stated in the writ affidavit as to what is the statutory right of the petitioner has been violated by the 2nd respondent and what is the statutory right to be enforced, except stating that elections have to be conducted as per Code of discipline. Writ of mandamus can be issued only

in case of any violation of statutory rights and also for enforcement of statutory rights. In the present case on hand, the petitioner has failed to point out the same. In view of the same, I do not see any merit in the writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

12.08.2015.

KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P. No.27062 OF 2003

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Date: 12-08-2015

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