

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**MONDAY, THE TWENTY EIGHT DAY OF SEPTEMBER TWO THOUSAND
AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.28087 of 2014

Between:

Sri T. Swamy, S/o. T. Mallaiah,
Aged about 42 years, Occ: Employee,
General Secretary of
Hyderabad Industries Workers Union,
R/o. House No.4-42-1137,
Asbestos Hills Colony,
Kukatpally Mandal,
Ranga Reddy District,
Hyderabad - 500 037.

.. Petitioner

AND

The Govt. of Telangana,
Rep. by its Principle Secretary,
Labour, Employment,
Training & Factories Department,

Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner, who is General Secretary of Hyderabad Industries Workers Union, challenges the notice, dated 23.08.2014, issued in exercise of the provisions of the Code of Discipline for conduct of verification/determination of majority union in M/s.Hyderabad Industries Limited, Sanathnagar, Hyderabad, and appointment of Verification Officer/Returning Officer. The said proceedings are challenged on the ground that the said proceedings are in violation of the Code of Discipline.

2. The very issue has come up for consideration before this Court in W.P.No.31577 of 2014 in the case of

Dr. Reddy's Formulations Techops-II, Employees Trade Union, R.R.

District, Hyderabad Vs. Government of Telangana and others, wherein this Court held that the order impugned therein was passed in the capacity as a Returning Officer for the conduct of secrete ballot election to determine the majority Trade Union under the Code of Discipline and since the Code of Discipline is non-statutory, the writ petition questioning the same is not maintainable. While granting liberty to the aggrieved persons to approach the civil Court questioning such orders, the writ petition was dismissed. Following the same, W.P.No.15780 of 2015 was also dismissed granting similar relief.

3. In the instant case also, the petitioner is seeking enforcement of the Code of Discipline and challenges the order impugned in the writ petition, which is issued in exercise of power as per the Code of Discipline.

4. In view of the principle laid down by this Court in ***Dr. Reddy's Formulations Techops-II's Case (1 supra)***, the writ petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner, if so advised, to avail remedy of invoking the jurisdiction of the Civil Court questioning the proceedings impugned in the writ petition. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 28th September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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