

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19621 of 2015

Dated : 06.07.2015

Between:

M/s. Southern Drugs and Pharmaceuticals,
D.No.19-584, N.H.5, Dowleswaram-533 125,
East Godavari District, Andhra Pradesh,
Rep., by its Manager (HR), Tirumalasetti Srinivasa Rao,
S/o.Late Venkateswarlu, Aged 59 yrs,

.. Petitioner

And

State of Andhra Pradesh,
Department of Labour and Employment,
Rep., by its Commissioner, Anjaiah Bhavan,
Chikkadpally, Hyderabad & 3 others

.. Respondents

This Court made the following :

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ORDER :

The petitioner is a Drugs and Pharmaceuticals Company. The 4th respondent Trade Union is recently formed and got registered under the provisions of Trade Union Act, 1926 (for short 'the Act'). The petitioner had grievance against such registration and therefore the petitioner has filed an application before the Deputy Registrar of Trade Unions who is Registrar under the Trade Unions Act (2nd respondent) on 04.05.2015. The petitioner contends that the 4th respondent Trade Union cannot register as a Trade Union under the Act as the minimum required strength of permanent employees of the petitioner company is not fulfilled. Out of 44 members shown by the 4th respondent, only 7 are permanent and remaining are contract labours engaged by different contractors. Hence, those labours cannot be treated as employees of the petitioner's company and therefore, the question of formation of Trade Union by showing the names of its members as Trade Union does not arise. The said grievance was ventilated before the 2nd respondent.

2. According to Section 10 of the Act, power is vested in the 2nd respondent to cancel the registration of Trade Union granted by the subordinate authority. Alleging that the 2nd respondent is not acting on the said complaint lodged by the petitioner this writ petition is filed.

3. When the matter is taken up for consideration, learned counsel for the petitioner states on instructions that the 2nd respondent has issued notice on 02.07.2015 to the 4th respondent calling for its objections on the representation filed by the petitioner.

4. In view of the same, no further orders are required in this writ petition and accordingly, this Writ Petition is closed. It is needless to observe that the 2nd respondent shall take further course of action as warranted by law, after affording due opportunity to the petitioner as well as the 4th respondent. It is also made clear that no finding is recorded in this writ petition and the rights and claims which are vested in the 4th respondent are preserved to be agitated before the competent authority. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

06th July, 2015

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