

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 31.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.10917 of 2016
and
WMP.No.9508 of 2016

Parry Employees Union (Regd No.1370/1956)
Represented by its President S.Durairaj
C/o Parry Employee's Store
No.50, Main Road, Nellikuppam 607 105
Cuddalore District. ... Petitioner

Versus

1.The Commissioner of Labour,
Labour Department,
Teynampet,
Chennai 600 006.

2.Additional Registrar/Deputy Commissioner
of Labour II
Labour Department,
Teynampet,
Chennai 600 006. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the respondents herein to register the Amendments passed by the General Body Meeting of the Petitioner Union dated 14.06.2015.

For Petitioner : Mr.A.Jenasenan

For Respondents : Mr.M.L.Mahendran
Government Advocate

O R D E R

Heard Mr.A.Jenasenan, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate appearing for the respondents, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. Petitioner is the Trade Union, registered under the
<https://hcservices.ecourts.gov.in/hcservices/>

provisions of Trade Unions Act, 1957. In this writ petition, they seek for a direction to register the amendments made to the bye-laws of the Trade Union which has been unanimously passed in its General Body Meeting held on 14.06.2015.

3. Learned counsel for the petitioner submitted that there are no other issues in the matter and the amendments which were proposed have been unanimously approved in the General Body Meeting. Therefore, with the amendment bye-laws, they requested the second respondent to register the same on his file so that the same gets incorporated in the records maintained by the second respondent. The representations initially did not evoke response. But ultimately, the petitioner came to know by communication sent by the first respondent dated 18.12.2015, that the copies of the original bye-laws are not available in the office of the second respondent. However, the certified copy of the Registration Certificate was issued by the second respondent, which is available in the office of the second respondent. Thus, now the petitioner is in a precarious position having not been able to register the amendments, which have been passed in the General Body Meeting.

4. The learned Government Advocate appearing for the second respondent on instructions submitted that the office bearers of the petitioner Union have not approached the second respondent. Be that as it may, if there is no other legal impediment and the only issue is that the original bye-laws, the copy of which should have been returned in the office of the second respondent, are missing and not traceable. Then, the authority namely the second respondent who take steps to reconstruct the records, this can be done by following the proper procedure and after obtaining appropriate approval from the Competent Authority. For the purpose of reconstruction, the second respondent shall very well call for the original bye-laws from the petitioner union and take necessary steps to cause verification of the fact as to whether the copy of the bye-laws produced by the petitioner, is the original bye-laws and thereafter orders for reconstruction can be passed after the original bye-laws are reconstructed, the petitioner's request for registering the amendments can be considered. To effectuate the above direction, the petitioner is directed to approach the second respondent by submitting a representation along with a copy of this order and producing a notarized copy of the original bye-laws as well as the amended bye-laws and on receipt of the same, the second respondent shall take note of the observation made in this order and proceed in accordance with law, for the purpose of effecting necessary registration of the amendments in terms of the bye-laws within a period of three months from the date on which the petitioner submits his representation.

5. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vs/kpr

To

1.The Commissioner of Labour,
Labour Department,
Teynampet,
Chennai 600 006.

2.Additional Registrar/Deputy Commissioner
of Labour II
Labour Department,
Teynampet,
Chennai 600 006.

+1 cc to Mr.A.Jenasenan, Advocate, sr.20414
+1 cc to Government Pleader, sr.20529

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and
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gj co
kra 20.04.2016

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