

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.1555 of 2016
W.M.P.Nos.1321 & 1326 of 2016

Airports Authority of India
Rep. by its Airport Director

... Petitioner

Vs

1. Registrar of Trade Union /
Deputy Commissioner of Labour
DMS Compound
Teynampet, Chennai-6.

2. Airport Authority of India
Badhra Employees Union
Rep. by the General Secretary
2/1 Kovur Vaithiyanathan Street
Chindadripet, Chennai-600 002.

3. Badhra International India Private Ltd.
Represented by its Director
42, Rani Jhansi Road,
Jhandewalan, New Delhi.

... RESPONDENTS

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 30.12.2013 in O.M.AA 3/9356/13 on the file of the 1st respondent and quash the same directing the 1st respondent to cancel registration or in the alternative direct the 2nd respondent to drop the prefix of Airport Authority of India from the registered name of the 2nd respondent Trade Union.

For Petitioner : Dr.Fr.A.Xavier Arulraj

For Respondents : Mr.R.Rajeswaran -R1
Special Government Pleader

O R D E R

Heard Dr.Fr.A.Xavier Arulraj, learned Counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader accepting notice for the first respondent and with their consent the Writ Petition is taken up for final disposal.

2.Since this Court is not inclined to go into the merits of the allegations made against the second respondent, the Writ Petition is disposed of at the admission stage, without notice to the respondents 2 & 3.

3.This Court is inclined to pass this order in the light of the fact that the first respondent failed to take into consideration the nature of objections made by the petitioner, but merely stated that there is no Application pending with the authority at the instance of the second respondent Union. The manner in which the first respondent has approached the matter is incorrect. The petitioner organisation has raised an objection to the prefix 'Airports Authority of India' adopted by the second respondent Union while registering their Trade Union. If such objection is raised, the second respondent being the Registrar of Trade Union, is bound to consider as to whether the prefix used by the second respondent Union is proper, legal and whether they are entitled to use the same. Therefore, the proper procedure that should have been followed by the first respondent is that on receipt of the objections dated 4.6.2013, the first respondent should have issued notice to the petitioner and the respondents 2 & 3 and should have considered the matter, by taking note of the nature of objections raised. Without doing so, erroneously the authority has stated that no Application is pending at the instance of the second respondent Union. Hence, the impugned order call for interference.

4.Accordingly, the Writ Petition is allowed, the impugned order is quashed and the matter is remanded to the first respondent for fresh consideration, who shall issue notice to the petitioner, respondents 2 & 3 and consider the matter on

merits and in accordance with law and pass appropriate orders, as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpa

To

1. Registrar of Trade Union /
Deputy Commissioner of Labour
DMS Compound
Teynampet, Chennai-6.
2. Airport Authority of India
Badhra Employees Union
Rep. by the General Secretary
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3. Badhra International India Private Ltd.
Represented by its Director
42, Rani Jhansi Road,
Jhandewalan, New Delhi.

+1cc to the Government Pleader, S.R.No.3012

+2 cc to Dr.FR.A.Xavier Arulraj, Advocate,SR.3379 (4/5/16)

सत्यमेव जयते

W.P. No.1555 of 2016

SVI (CO)
CA(27/01/2016)

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