

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 16-02-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5665 OF 2016

The Pondicherry State Weavers Co-operative
Employees Union (340/RTU/80), PONTEX
Complex, Thattanchavadi,
Puducherry-605 009,
rep.by its Secretary K.S.Selvaraj.Petitioner
-vs-

- 1.The Secretary to Government,
Co-operative Department,
Government of Puducherry,
Puducherry.
- 2.The Registrar of Co-operative Societies,
Puducherry.
- 3.The Managing Director,
The Puducherry State Weavers' Co-operative
Society Ltd.No.P57,
Thattanchavadi,
Puducherry-605 009.Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to refrain from employing or absorbing any of the employees of the wound up Puducherry Textile Processing Society Ltd. (TEXPRO), other than those employees who are covered by the 12 (3) Settlement, dated 18.02.2006, in Puducherry State Weavers' Co-operative Society Ltd. (PONTEX) and conferring any service rights on them in PONTEX.

For petitioner : Mr.P.Rajendran

For respondents : Mr.M.Govindaraj,
Govt.Pleader (Puducherry),
assisted by Mr.A.Tamilvanan,
Govt.Advocate (Puducherry).

O R D E R

Petitioner is a trade union, called, The Pondicherry State Weavers Co-operative Employees Union. It is registered under the provisions of the Trade Unions Act,1926, vide

Registration No.340/RTU/80. The petitioner Union seeks for issuance of a writ of mandamus to direct the respondents to refrain from employing or absorbing any of the employees of the wound up Puducherry Textile Processing Society Ltd. (TEXPRO), other than those employees who are covered by the 12 (3) Settlement, dated 18.02.2006, in Puducherry State Weavers' Co-operative Society Ltd. (PONTEX) and conferring any service rights on them in PONTEX.

2. In this Writ Petition, the petitioner seeks for a relief against a group of workmen and a prohibitory order from this Court to prohibit the workmen from being absorbed as permanent employees. However, those employees have not been made as parties either in their personal capacity or in their representative capacity. Furthermore, the question as to whether these employees have to be absorbed or not is essentially a policy decision, to be taken by the first respondent-Government. In addition, it appears to be a labour dispute and, at this stage of the matter, this Court cannot issue any writ of mandamus, as sought for.

3. Accordingly, while declining the relief sought for, liberty is granted to the petitioner to approach the second respondent by way of a detailed representation along with a copy of this order, and, if such representation is submitted, the second respondent shall consider the same, after notice to all concerned, and pass a reasoned order, within a period of eight weeks from the date of receipt of the representation.

4. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.No.5024 of 2016 is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dixit

To

- 1.The Secretary to Government,
Co-operative Department,
Government of Puducherry,
Puducherry.
- 2.The Registrar of Co-operative Societies,
Puducherry.
- 3.The Managing Director,
The Puducherry State Weavers' Co-operative
Society Ltd.No.P57,
Thattanchavadi,
Puducherry-605 009.

+1cc to Mr.Rajendran, Advocate, S.R.No.10702

+1cc to the Government Pleader, S.R.No.10012

VGI (CO)
EU (04/03/2015)

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