

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.21001 of 2015

ORDER:

Vide the present writ petition, the petitioner seeks to declare the action of respondents 2 and 3 in not considering the voting rights of the casual workmen of the petitioner Union for the elections of Trade Union Reorganization Elections under the statutory provisions of the Trade Union Registration Act, 1926, Industrial Disputes Act, 1947 and also Section 2(S) of other Labour Laws, as illegal, arbitrary and violation of principles of natural justice and to issue a consequential direction to respondents 2 and 3 to consider their voting rights the in Trade Union Reorganization Election.

2. Heard the President of the petitioner Union in-person, the learned Government Pleader for Labour (TS) for respondents 1 to 3 and the learned counsel for respondents 4 and 5.

3. The cause of action arises in the present writ petition due to a communication dated 23.04.2015 issued by the third respondent. Being aggrieved, the petitioner Union made a representation dated 13.05.2015 to the third respondent to consider the voting rights of all the casual and associated workmen of it in the Union Recognition Elections. However, there is no response from the third respondent.

4. Keeping in view the averments in the writ petition and submission of the President of the petitioner Union in-person, I hereby direct the third respondent to consider the representation of the petitioner Union dated 13.05.2015 and dispose of the same, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is needless to state that the third respondent shall invite objections from all concerned before disposing of the representation of the petitioner.

5. With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

SURESH KUMAR KAIT, J

Date: 15.06.2016

Note: Issue CC 18.06.2016

B/o. TJMR