

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.36873 OF 2015

DATED:05-01-2016

Between:

N.S.L. Textiles Workers & Employees Union
Kunchalavaripalem
Near RTC Bus Stand
Repalle, Guntur District,
Rep. by its General Secretary ... Petitioner

And

State of Andhra Pradesh
Rep. by the Principal Secretary
Labour & Employment Department
Secretariat Buildings
at Hyderabad ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. G.V.L. Murthy

COUNSEL FOR RESPONDENT NOs.1 to 5: A.G.P. for Labour (A.P.)

COUNSEL FOR RESPONDENT NO.6 : Mr. Sallori Ramesh

COUNSEL FOR RESPONDENT NO.7 : Mr. K. Lakshman

THE COURT MADE THE FOLLOWING:

ORDER:

-

This writ petition is filed for the following relief:

“...to issue any writ, order or direction more in the nature of writ of mandamus (i) declare the action of the 4th respondent-Deputy Commissioner of Labour, Guntur in not registering the application submitted by the petitioner union for registration of trade union under the Trade Union Act is illegal and arbitrary, (ii) declare that re-verification on the basis of the complaint of the management of NSL Textiles Limited or the rival trade union is contrary to the provisions of the Trade Union Act and (iii) consequently declare that the proceedings initiated by the 4th respondent-Deputy Commissioner of Labour, Guntur vide Notice No.A/1931/2015, dated 6.7.2015 directing for re-verification with regard to the registration of the application of the petitioner trade union and consequential steps taken by the 4th respondent-Deputy Commissioner of Labour and the Assistant Commissioner of Labour are contrary to the provisions of the Trade Union Act.”

At the hearing, learned Assistant Government Pleader for Labour (AP) has raised an objection as to the maintainability of the writ petition on the ground that the petitioner is not registered under any statutory enactment and therefore it has no legal existence to maintain the writ petition in its name. Mr. G.V.L. Murthy, learned counsel for the petitioner, does not dispute the submission of the learned Assistant Government Pleader for Labour. He has, however, requested for permission of the Court to withdraw the writ petition with liberty to the office bearers of the petitioner to file a writ petition in their individual names.

The writ petition is accordingly dismissed as withdrawn with liberty in terms of the prayer made by the learned counsel for the petitioner.

As a sequel to dismissal of the writ petition, W.P.M.P. No.47498 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

05-01-2016

bnr

