

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2017

CORAM :

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.4180 of 2017

Tamil Nadu Thiraippada Iyakkunargal Sangam
No.2/32, Ramakrishna Street,
Gandhi Nagar,
Saligramam, Chennai - 600 093.
Rep. by its General Secretary
Shri.V.Babu

... Petitioner

vs.

Deputy Commissioner of Labour I
Designated Registrar of Trade Union,
Commissionerate of Labour Welfare,
Teynampet, Chennai - 600 006.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondent, Deputy Commissioner of Labour-I-cum-Registrar of Trade Unions, to consider the representation made by the petitioner, dated 10.02.2017.

For petitioner : Mr.Kaushik N.Sharma

For respondents : Mr.M.Elumalai, Govt. Advocate

O R D E R

This writ petition has been filed by the Tamil Nadu Thiraippada Iyakkunargal Sangam, represented by its General Secretary, Shri.V.Babu, seeking writ of mandamus directing the respondent, Deputy Commissioner of Labour-I to consider the representation made by the petitioner on 10.02.2017.

2. The claim of the petitioner shows that after filing of the application for registration of Trade Union under the name of Tamil Nadu Thiraippada Iyakkunargal Sangam on 28.12.2016 in the office of the respondent, a direction was given to the petitioner to pay Registration Fee of Rs.100/- for registration of Trade Union. Accordingly, the petitioner paid the registration fee of Rs.100/-, vide Chellan No.450 on 02.01.2017. However, the Deputy Commissioner of Labour has rejected the application for registration of Trade Union on 12.01.2017 without giving an opportunity to the petitioner. Therefore, the petitioner has made a representation to the Deputy Commissioner of Labour-I-cum-Registrar of Trade Union requesting him to provide an opportunity as per Trade Unions Act and also to provide a clear reason for the rejection of the application.

3. As representation to the Deputy Commissioner of Labour-I-cum-Registrar of Trade Union requesting to give an opportunity as per the Trade Unions Act is pending, a direction may be issued to provide an opportunity of hearing to the petitioner, he pleaded.

4. Learned Government Advocate appearing for the respondents placing on record communication, dated 11.02.2017 from the respondent would submit that when a similar request was in the name of Tamil Nadu Thiraippada Iyakkunargal Sangam, the request was allowed and subsequently rejected. Thereafter, a case was filed in C.M.A.No.147 of 2017 along with C.M.P.No.1028 of 2017 which is pending consideration. Adding further, he would submit that the said C.M.A is posted for hearing today. Again producing an interim order, dated 03.02.2017, passed in C.M.P.No.1028 of 2017 in C.M.A.No.147 of 2017 titled as Tamil Nadu Thiraippada Iyakkunargal Sangam, represented by its Secretary, Anthony Salai, Valasaravakkam, he would urge this Court to dismiss the writ petition, as the similar case is pending in the name of Tamil Nadu Thiraippada Iyakunnargal Sangam.

5. Again taking support from Section 7 of the Trade Unions Act, the learned Government Advocate would submit that the Registrar is entitled to refuse the registration of Trade Union in the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, again the Registrar is entitled to refuse the registration of any Union.

6. Therefore, in the present case, when one another Union having the same name namely, Tamil Nadu Thiraippadi Iyakkunargal Sangam has already come to this Court in C.M.A.No.147 of 2017, the petitioner cannot seek registration of Trade Union in the very same name. Therefore, the case of the petitioner cannot be considered positively.

7. The interim order passed by this Court in C.M.P.No.1028 of 2017 in C.M.A.No.147 of 2017 clearly shows that one another Trade Union in the name of Tamil Nadu Thiraippadi Iyakkunargal Sangam represented by its Secretary is functioning. Therefore, this Court is not inclined to entertain the writ petition, in the light of Section 7 of Trade Unions Act and hence the writ petition fails and accordingly, the writ petition is dismissed. No costs.

tsvn

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

The Deputy Commissioner of Labour I
Designated Registrar of Trade Union,
Commissionerate of Labour Welfare,
Teynampet, Chennai - 600 006.

+1 CC to Govt. Pleader, High Court, Madras SR.NO.10858

W.P.No.4180 of 2017

RSK[CO]
MK:08/03/2017



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