

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.02.2017

Coram

The Hon'ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon'ble Mr.Justice S.M.SUBRAMANIAM

W.A. No.57 of 2017 and C.M.P.No.921 of 2017

1. Shasun Drugs Worker's Union,
(Registration No.926/RTU/94)
No.19, 2nd Cross, Perumal Nagar,
Periyakalpet, Purucherry-605 014.
2. Strids Shasun Thozhilalargal Matrum
Ozhiyargal Sangam, (Registration No.
1165/RTU/99), No.67, 2nd Cross,
Bharatiyar Nagar, Periyakalpet,
Puducherry- 650 014.
3. Shasun Pharmaceuticals Thozhilalargal
Nala Sangam, (Registration No.RTU/1713/
2013), No.26-C, Thorawbathi Amman
Koil Street, Pillaichavady, Puducherry-650 014.
4. Puduvai Shasun Thesiya Thozhilalar Sangam,
(Registration No.1119/RTU/1998)
No.28, Saint Theresa Street, Puducherry-650 014.
5. Anna Shasun Pharmaceuticals Thozhilalargal
Sangam, (Registration No.1254/RTU/2001)
No.6, 4th Cross, Ozhavargarat, Puducherry-650 014.
6. Shasun Pharmaceuticals Limited Thozhilalargal
Munetra Peravai, (Registration No.869/RTU/1993)
2nd Cross, Vallalar Nagar, Municipality Street,
Kanapath Chetty Kulam, Puducherry-650 014.
7. Puducherry Shasun Pharmaceuticals Limited,
Niruvan Thozhilalargal Munetra Thozhil Sangam,
(Registration No.1484/RTU/2007),
No.22, Veran Koil Street,
Periyakalpet, Puducherry- 650 014.

8. Shasun Drugs Employees Union,
(Registration No.RTU/865/1993)
No./12, First Cross, Rajagopal Nagar,
Kanapathi Chetty Kulam,
Puducherry- 650 014.

Petitioners/
Appellants

Versus

1. Strides Shasun Limited, rep. by its
General Manager-HR-C.D. Surendran
R.S.No.33 & 34, Mathur Road,
Periyakalapet, Puducherry-605 014.
2. The Commissioner of Labour,
Puducherry.
3. Dr.Kalanjar Puducherry Shasun
Pharmaceuticals Limited, Thozhilalar
Munetra Sangam, (Registration No.
1399/RTU/2005), No.11, South Street,
Kanapathi Chetty Kulam,
Puducherry - 605 014.
4. Illanthalaivar Raghul Gandhi Puducherry
Shasun Thozhilalargal Uzhiyargal Nala
Sangam, (Registration No.1613/RTU/2009)
No.110, Murugan Koil Street,
Periyakalapet, Puducherry-650 014.
5. Nethaji Strides Shasun Thozhilalar Matrum
Uzhiyargal Nala Sangam, (Registration No.
1755/RTU/2014), No.9, Anna Asaaray Street,
Periyakalapet, Puducherry-650 014.

Respondents/
Respondent

Appeal filed under Clause 15 of the Letters Patent, against the common order dated 21.12.2016, passed in WMP No.37169 of 2016 in W.P.No.32360 of 2016, by the learned single Judge. Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Amending the writ petition Prayer as Writ of Mandamus, directing the First Respondent to hold elections or to conduct the exercise as per the Code of Discipline in the Petitioner establishment, after giving due notice to the Respondent Unions 2 to 12 and submit its report declaring the Union among the Petitioner Unions which should be recognized by the Petitioner in terms of Criteria for Recognition of Unions in terms of Annexure I to Code of Discipline - instead of the existing

prayer - Writ of Mandamus Directing the 1st respondent to call for the records of the respondents 2 to 12 and hold elections and declare the union which is to be recognized by the petitioner management (In WMP.37169/2016) pending disposal of WP.32360/2016;

For Appellant .. Mr.Stalin Abhimanyu
For Respondent .. Ms. D.Reena Iswariya, AGP (Pondy)

JUDGMENT

(Delivered by NOOTY.RAMAMOHANA RAO, J)

While leaving open the question as to whether the Writ Petition would be maintainable, seeking a writ of mandamus to direct the elections to be held for verifying the majority Union in an industry, taking the interests of the workmen into account and consideration, and so as to enable them to have a greater participatory role in bargaining power for securing better conditions of service, we allow the order of the learned single Judge to remain.

2. The question as to maintainability of the writ petition would be gone into independent of the present exercise, when the writ petition is taken up for disposal. Accordingly, the writ appeal stands disposed of. No costs. Consequently, C.M.P.No.921 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner of Labour, Puducherry
- 2 The Principal District Munsif Puducherry

pk(CO)
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