

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2017

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.33752 of 2017

S.Saravana Kumar

... Petitioner

Vs

1.The Registrar of Trade Unions/
The Deputy Commissioner of Labour-I,
DMS Complex, Teynampet, Chennai-6.

2.The Management of Hyundai Motor India Limited,
Plot No.H-1, SIPCOT Industrial Part,
Irungattukottai,
Sriperumbudur Taluk,
Kancheepuram - 602 105.

3.United Union of Hyundai Employees (UUHE)
No.57, 1st Floor,
Chennai - Bangalore Highways,
Irugattukottai, Ponnalur Post,
Sriperumbudur Taluk.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus, directing the 1st respondent to dispose the petitioner's appeal dated 15.12.2017 within a reasonable period as fixed by this Court and also direct the 2nd respondent not to discontinue the petitioner union subscription.

For Petitioner : Mr.N.G.R.Prasad
for Mr.V.Stalin

For Respondents : Mr.ERA.Premnath for R1
Government Advocate
Mr.D.Abdullah for R2

O R D E R

This writ petition has been filed seeking issuance of Writ of Mandamus to direct the first respondent to dispose of the appeal dated 15.12.2017, wherein the petitioner sought for cancellation of his removal order dated 24.08.2016.

2.Heard the learned counsel appearing for both sides and perused the materials placed on record.

3.Learned counsel appearing for the petitioner submitted that the petitioner has put his paper on 05.04.2016 seeking resignation from the membership. During the pendency of his request for resignation, he has also given a letter withdrawing his resignation on 01.06.2016. Without passing any

order on his withdrawal letter, an order has been passed on 24.08.2016 removing the petitioner from membership. The petitioner has also filed two Civil Suits, which also came to be dismissed on the ground that they were barred by Section 18 of the Trade Unions Act, 1926. The petitioner preferred an appeal on 15.12.2017 before the first respondent and the same is also pending. Hence, a direction was sought to be issued against the first respondent to consider the pending appeal.

4.Learned Government Advocate who took notice for the first respondent sought six weeks time to consider the pending representation/ appeal submitted by the petitioner.

5.Considering the limited prayer sought for by the petitioner and without going into the merits of the case, this Court directs the first respondent to consider the pending representation/appeal submitted by the petitioner on merits and pass orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Registrar of Trade Unions/
The Deputy Commissioner of Labour-I,
DMS Complex, Teynampet, Chennai-6.

2.The Management of Hyundai Motor India Limited,
Plot No.H-1, SIPCOT Industrial Part,
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3.United Union of Hyundai Employees (UUHE)
57, 1st Floor, Chennai-Bangalore Highways,
Irugattukottai, Ponnalur Post,
Sriperumbudur Taluk.

+lcc to Mr.V.Stalin, Advocate Sr.No.16
+lcc to Government Pleader SR.No.92523

GMI(CO)
sm:11.1.2018

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