

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1591 of 2017

All India RMS and MMS Employees Union  
Group "C" Tamilnadu Circle  
represented by its Secretary K.Ramesh  
Chennai 600 083

...Petitioner

-vs-

1. The Chief Post Master General  
Tamilnadu Circle  
Anna Salai  
Chennai 600 002
2. The General Secretary  
All India RMS and MMS Employees Union  
Group "C" CHQ  
17/4C, P & T Colony  
Kalibarimarg, NEPE, R-3  
New Delhi 110 001

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent herein to consider the representation dated 22.12.2016 and accord Trade Union facilities to the Petitioner Union in accordance with law.

For Petitioner : Mr.G.Mohanakrishnan

ORDER

This writ petition has been filed by All India RMS & MMS Employees Union, Group "C" Tamilnadu Circle represented by its Secretary, Chennai. It is the claim of the petitioner that he has been elected as the Circle Secretary of AIRMS & MMS E.U Group "C" Tamilnadu Circle in the 31<sup>st</sup> circle conference held on 16.12.2016 and 17.12.2016 at Chennai; that the election of office bearers was communicated to the first respondent, namely, the Chief Post Master General, Tamilnadu Circle, Chennai on 19.12.2016. This was informed to the General Secretary, All India RMS & MMS Employees Union Group "C" CHQ. Subsequently, on

22.12.2016, the petitioner received a letter from the first respondent stating that the second respondent has requested the first respondent not to extend any trade union facilities to the petitioner Union. Immediately a letter was sent by the petitioner on 22.12.2016 informing the first respondent that the election of office bearers is only in accordance with the constitution and the bye-laws of the union. In the circumstances the petitioner, anticipating no improvement, has come to this Court seeking a direction to the first respondent to consider his representation dated 22.12.2016 and accord trade union facilities to the petitioner union in accordance with law.

2. But this Court may not be in a position to entertain the writ petition. The reason is that when the petitioner claims to have been elected as the Circle Secretary of the All India RMS & MMS Employees Union, Group-C, Tamilnadu Circle in the 31<sup>st</sup> circle conference held on 16.12.2016 and 17.12.2016 at Chennai and the election of office bearers was also communicated to the first respondent on 19.12.2016, informing the same to the second respondent, the first respondent has to take a decision on the grant of approval to the election of office bearers and also the election of the petitioner to the post of Circle Secretary of All India RMS & MMS Employees Union, Group-C, Tamilnadu Circle. Therefore, without a decision being taken on the extension of approval to the petitioner union, he cannot come to this Court seeking for a writ of mandamus or direction to the first respondent to consider his representation dated 22.12.2016 so as to accord the trade union facilities to the petitioner union. Moreover, a perusal of the proceeding dated 22.12.2016 issued by the Assistant Director (Admin/SR & WLF), Office of the Chief Postmaster General, Tamilnadu Circle shows that the General Secretary of AIRMS & MMS E.U.Gr.-C in his letter dated 19.12.2016 has requested the first respondent not to extend the trade union facilities to any list of office bearers purported to have been elected in the 31<sup>st</sup> Circle Conference until the CHQ completes its organizational enquiry and the decision of the CHQ is communicated. Therefore, unless that order is challenged successfully by the petitioner, a direction to the first respondent to accord or extend the trade union facilities to the petitioner is quite impossible. Hence, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition fails and it is dismissed.

Sd/-  
Assistant Registrar

//True Copy//

ss

Sub Assistant Registrar

To

1. The Chief Post Master General  
Tamilnadu Circle  
Anna Salai  
Chennai 600 002

+1cc to Mr.Mohan krishnan, Advocate, S.R.No.4763

KS (CO)  
RS (07/02/2017)

W.P.No.1591 of 2017



WEB COPY