



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

**W.A(MD)No.240 of 2015
and M.P(MD)No.1 of 2015**

A.Raja

... Appellant/Petitioner

Vs.

1.The Deputy Commissioner of Labour,
Kaja Nagar,
Mannarpuram,
Trichy - 620 021.

2.Bharat Heavy Electricals Limited,
High Pressure Boiler Plant,
Tiruchirappalli - 620 014,
Rep. Through its General Manager (HR).

3.Boiler Plant Dr.Ambedkar Employee's Union,
BHEL, Trichy -625 014,
Rep. By its General Secretary.

4.M.Thangasamy

5.I.Muthu

6.S.Mayandi

7.K.Selvaraj

8.Chandrasekar

9.A.Jagadeesan

... Respondents/Respondents

Prayer:- Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 19.03.2015 passed in Writ Petition(MD) No.16622 of 2014 on the file of this Court.

Prayer in WP(MD). 16622/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the entire records pertaining to the impugned election notification dated 19.9.2014 issued by the 3rd respondent for the election will be held on 11.10.2014 and quash the same as illegal, arbitrary and without jurisdiction and further more direct the respondents 1 and 3 to 6 to issue fresh election notification for the period of 2014 to 2016 after publishing the voter list as per the byelaws of the 3rd respondent trade union.



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For Appellant : Mr.R.Rajaraman
For R - 1 : Mr.V.Muruganandham
Additional Government Pleader
For R - 2 : Mr.A.V.Arun
For RR 3 to 7 : No appearance
For RR 8 & 9 : Mr.M.Saravanan

JUDGMENT**[Judgment of the Court was delivered by
T.S.SIVAGNANAM, J.]**

This Writ Appeal is directed against the order, dated 19.03.2015 made in W.P(MD)No.16622 of 2014.

2.Heard Mr.D.Rajaraman, learned counsel appearing for the appellant, Mr.V.Muruganandham, learned Additional Government Pleader appearing for the first respondent, Mr.A.V.Arun, learned counsel appearing for the second respondent and Mr.M.Saravanan, learned counsel appearing for the respondents 8 and 9.

3.The Writ Petition was filed by the appellant/petitioner challenging the election notification, dated 19.09.2014 with regard to the election conducted of office bearers of the third respondent Employee's Union, which was scheduled on 11.10.2014.

4.The learned counsel appearing for the first respondent submitted that pursuant to the impugned notification, elections were conducted and as of now the term of the elected members is over.

5.By the impugned order, the learned Single Judge dismissed the Writ Petition on the ground that the appellant/petitioner has approached the Court, after commencement of the election process and the members were also elected.

6.The view taken by the learned Single Judge is perfectly legal as the Court cannot interdict the election process, after commencement. One more reason to reject this appeal is on the ground that the Writ Petition itself is not maintainable, since the relief sought for is against a Trade Union, which is a private body. It may be true that the members of the Trade Union are employees of BHEL Company and that by itself would not be sufficient to maintain the Writ Petition against the Employee's Union. The impugned order of the Deputy Commissioner of Labour and the Management of Bharat Heavy Electricals Limited cannot give a



colour as if the Writ Petition is maintainable and it would in no way improve the case of the appellant/petitioner.

7. For the above reasons, the Writ Appeal fails and the same is dismissed. It is made clear that in the event the appellant chooses to avail other remedies, which are available to him, the observation made in this Judgment will not prejudice the rights of the appellant/petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Commissioner of Labour,
Kaja Nagar,
Mannarpuram,
Trichy - 620 021.

2. Bharat Heavy Electricals Limited,
High Pressure Boiler Plant,
Tiruchirappalli - 620 014,
Rep. Through its General Manager (HR).

3. The General Secretary,
Boiler Plant Dr. Ambedkar Employee's Union,
BHEL, Trichy - 625 014.

+1cc to Mr. R. Rajaraman, Advocate, in SR.No:14930
+1cc to Mr. N. C. Ashokkumar, Advocate in SR.No:14955
+1cc to Special Government Pleader, SR.No:15070

Ps

AE/SV MMS/SAR3/05.04.2017/3P/7C

**ORDER MADE IN
W.A(MD)No.240 of 2015
and M.P(MD)No.1 of 2015
15.03.2017**