



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. [MD] .No.819 of 2017

and

C.M.P. (MD) No.5677 of 2017

K.Parasu Raman

: Appellant /Petitioner

Vs.

The Secretary,
Department of Labour and Employment,
Secretariat, Fort St. George,
Chennai.

: Respondent /Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P. (MD)No.23115 of 2016 dated 16.12.2016.

Prayer in WP(MD). 23115/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent to consider and dispose of the petitioners representation dated 07.11.2016 which has been sent for rescheduling the schedule of dearness allowance to be paid to the employees employed in textile mills to be used by the department of Labour and Employment as expeditiously as possible within the time stipulation as prescribed by this Honble Court.

For Appellant : Mr.R.Anand
For Respondent : Mr.V.R.Shanmuganathan
Special Government Pleader

JUDGMENT

[Judgment of the Court was made **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Anand, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, the learned Special Government Pleader appearing for the respondent.

2.This appeal is directed against the order dated 16.12.2016, made in W.P.(MD)No.23115 of 2016, filed by the appellant herein, claiming himself the General Secretary of Dindigul Panchalai, Marumalarchi Tholilalar Munnetra Sangam, sought for to consider and dispose of their representation dated 07.11.2016, for rescheduling the schedule of dearness allowance to be paid to the employees employed in textile mills.



3.The Writ Court found that the appellant had not produced any details as to which textile mill they are representing and therefore, held that the petitioner herein cannot be termed as an aggrieved person.

4.The learned counsel for the appellant would submit that though he has sought far time before the Writ Court to produce the relevant documents, the Writ Court dismissed the writ petition at the admission stage.

5.Before us, the appellant produced the copy of the registration certificates of trade union, copy of the Bye-Law, copy of the Members list and copy of the resolution passed by the Trade Union in respect of the subject issue. Further the copy of the representation given by the petitioner trade union dated 10.08.2016 has also been produced. Further, the learned counsel has drawn the attention of this Court proceedings of the Director of Handlooms and Textiles, Chennai dated 21.10.2016, which is a notice issued by the said authority, calling upon various trade unions to come for a discussion and it is stated the 10th person in the said communication is the petitioner trade union.

6.Considering these facts, we are inclined to permit the petitioner to pursue his representation. Accordingly, the Writ Appeal stands disposed of by giving liberty to the petitioner to submit a fresh representation along with relevant records and details to the respondent and if the same is in order and maintainable, the respondent shall consider the same as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To
The Secretary,
Department of Labour and Employment,
Secretariat, Fort St.George, Chennai.

+1cc to Mr.R.Anand, Advocate Sr.No.63011
+1cc to Spl.Government Pleader Sr.No.62900
IS
VB/MR/KKR/SAR2/07.07.2017/2P/4C

JUDGMENT MADE IN
W.A. [MD] .No.819 of 2017
and C.M.P. (MD) No.5677 of 2017
29.06.2017