

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.1176 of 2006

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal is preferred against the order of the learned Single Judge in W.P No.17939 of 2006 dated 13.10.2006. The appellants herein are the petitioners in the writ petition. They filed the Writ Petition aggrieved by the action of the respondents in denying them recognition for a period of five years commencing from 1.12.2000 to 30.11.2006.

A circular dated 29.4.2006 was issued to all plants and sections of the Nuclear Fuel Complex inviting applications from all service associations who intended to apply for recognition. Both the 1st petitioner-association and the 4th respondent-association sought recognition. Since there was a dispute regarding dual membership, a check off system was permitted to be introduced to determine the strength of the Unions and, thereafter, the 4th respondent-association was found to have a majority of members and was accorded recognition. The appellants-writ petitioners contended that authorization had been obtained by the 4th respondent-workmen association by coercion.

In the order under appeal, the learned Single Judge held that even assuming that, certain employees had given their consent earlier in favour of the 4th respondent-association and had subsequently withdrawn their consent, the same was immaterial and was rightly ignored by the 1st respondent. The learned Single Judge further held that the 1st petitioner, which was only an association, could not maintain the writ petition as held by this

Court in W.P. No. 16768 of 2005, and a rival association lacked locus standi to maintain the writ petition.

The recognition for which both the appellant-association and the 4th respondent-association were contesting was for the five year period from 1.12.2000 to 30.11.2006, which expired more than a decade ago. The cause in this appeal does not survive necessitating any further adjudication.

The writ appeal is dismissed as infructuous. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

2nd February, 2017

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