

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.5440 of 2018
and W.M.P.No.6705 of 2018

The Pondicherry Housing Board
Employees Union,
Rep. by its President P.Iswarane,
Anna Nagar, Housing Board Office Complex,
Nellithope, Pondicherry - 605 005. ... Petitioner

Vs.

- 1.The Pondicherry Housing Board,
Rep. by its Chairman,
PHB-cum-Secretary to Govt. [Housing],
Chief Secretariat, Puducherry - 605 001.
- 2.The Government of Puducherry,
Rep. by its Chief Secretary to Government,
Chief Secretariat, Puducherry - 605 001.
- 3.The Union of India,
Rep. by its Secretary to Government,
Ministry of Home Affairs,
Govt.of India, New Delhi. ... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to release the salary to the members of the petitioner union from February 2017 to till date by ensuring that human rights of the petitioners are not violated by the first and second respondent.

For Petitioner : Mr.S.Sethuraman
For Respondents: Mr.C.V.Ramachandramoorthy
Senior Panel Counsel for R3

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed by the President of the Pondicherry Housing Board Employees Union seeking a writ of mandamus, directing the respondents to release the salary to their members from February 2017 to till date by ensuring that human rights of the petitioners are not violated by the respondents 1 and 2.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the President of Trade Union of the Pondicherry Housing Board, which is a registered Trade Union espousing the cause of the employees of Puducherry Housing Board. Since the Pondicherry Housing Board is a body corporate having perpetual succession, the Government of Union territory of Pondicherry exercises deep and pervasive control over the Board. While so, 71 employees, who are directly recruited by the Housing Board, namely, Secretary, Development Officer and Divisional Accountant, who are deputed by the Government of Ponchicherry, are not paid with regular salaries to the employees from 2014 onwards. He further submitted that at present, the salary is also due to them since February, 2017.

4. The petition filed by the President of the Pondicherry Housing Board Employees Union is fully devoid of merits. The reason is that when the Union come to this Court demanding the direction to the respondents to pay salary to its members, nowhere in the affidavit the names of the members of the Union, who are not paid with salary from particular date was not mentioned. Firstly, this Court finding it very difficult to appreciate the case of the petitioner on the ground that the petitioner Union cannot prosecute any writ petition on behalf of its members for demand of salary and secondly, even if it is taken on record, as there is no minimum information or facts given in support of the prayer, this Court is unable to entertain the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Chairman,
Pondicherry Housing Board,
PHB-cum-Secretary to Govt. [Housing],
Chief Secretariat, Puducherry - 605 001.

2.The Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat, Puducherry - 605 001.

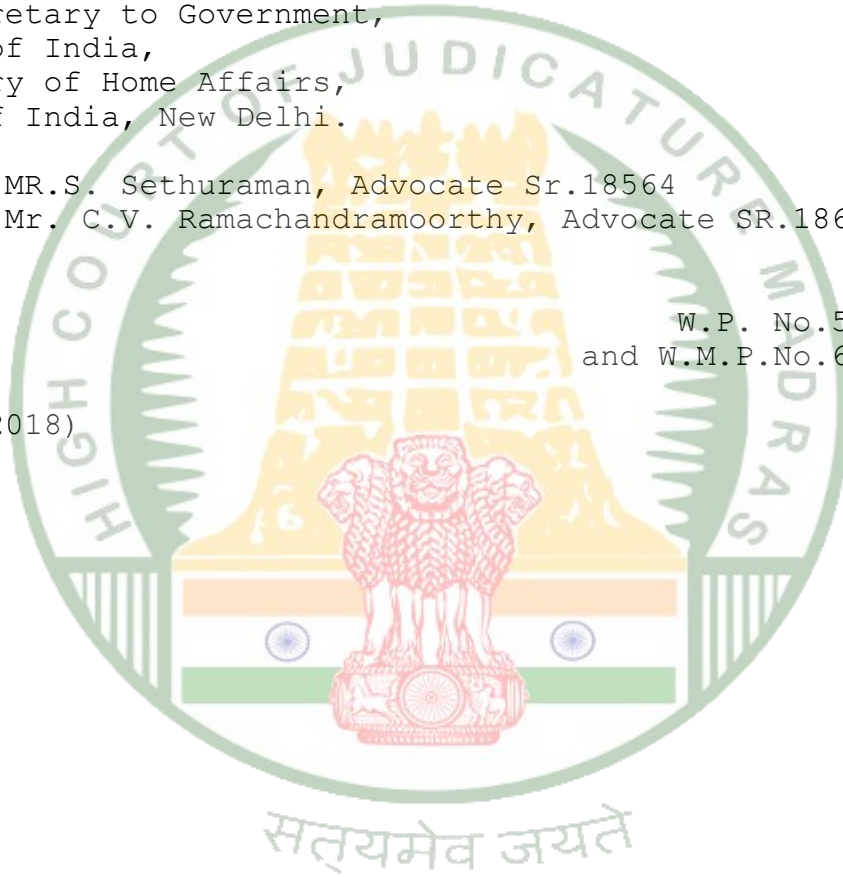
3.The Secretary to Government,
Union of India,
Ministry of Home Affairs,
Govt.of India, New Delhi.

+ 1 cc to MR.S. Sethuraman, Advocate Sr.18564

+ 1 cc to Mr. C.V. Ramachandramoorthy, Advocate SR.18689

W.P. No.5440 of 2018
and W.M.P.No.6705 of 2018

LRS (CO)
EU(11/04/2018)



WEB COPY