

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.4081 of 2011

All India Postal Employees Progressive Union
by its General Secretary, R.Venkataraman
Chennai-1

Petitioner

Vs

1.The Government of India, Ministry of
Labour and Employment, represented
by its Desk Officer, New Delhi

2.The Secretary (P), Department of Posts
New Delhi 110001

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent's order dated, 28.1.2011 in L.40011/26/2010 IR (detenu) and to quash the same and consequently to direct the 1st Respondent to consider and dispute of the Petitioner Union for adjudication.

For Petitioner : Mr.S.Gunaseelan

For Respondent : Mr.G.Karthikeyan, ASG

ORDER

The prayer in this Writ Petition is to quash the order of the 1st Respondent, dated 28.01.2011 and to direct the 1st Respondent to consider the dispute of the Petitioner Union.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner, in view of the orders dated 21.4.2015 and 09.12.2015 passed in WP(C)Nos.17 and 468 of 2009, by the Honourable Supreme Court, the impugned order is liable to be quashed.

4. The learned Additional Solicitor General appearing for the Respondents would also submit that the Honourable Supreme Court had disposed of WP(C)Nos.17 and 468 of 2009, on 21.4.2015 and 09.12.2015, observing that the Petitioner can agitate their grievance before the Central Administrative Tribunal and thereafter, Groups of GDS Employees from UP, Bihar, HP, Rajasthan, Punjab and Haryana Circles had filed various OAs in CAT in OA.Nos.749 of 2015 and 3540 of 2015, which were disposed of by a common order dated 17.11.2016 and the said order was challenged before the High Court of Delhi in WP.Nos.3569 and 7022 of 2017 and the said Writ Petitions are pending.

5. Considering the aforesaid facts and circumstances and the submissions of the learned counsel on either side, the impugned order is quashed and the matter is remitted back to the 1st Respondent to consider and pass orders on the basis of the failure conciliation report, dated 30.09.2010, on merits and in accordance with law, as expeditiously as possible.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

Srcm

To

1.The Government of India, Ministry of
Labour and Employment, represented
by its Desk Officer, New Delhi

2.The Secretary (P), Department of Posts
New Delhi 110001

+1cc to Mr.G.Karthikeyan Advocate SR.No.83974

+1cc to Mr.S.Gunaseelan, Advocate SR.No.84058

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MR(CO)
GMY(23/01/2019)