

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.24434 of 2018

M.Sivathmamilavan

President, Tamil Nadu Press and Media Reporters
Union, (Regd No.2693/CNI), No.2, Jawaharlal
Nehru Salai, Ambal Nagar, Ekkattuthangal
Chennai - 600 032.

.... Petitioner

Vs

The Deputy Commissioner of Labour-I
The Registrar of Trade Union under the
Trade Union Act, 1926, D.M.S.Compound
Teynampet, Chennai - 600 006.

..... Respondent

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the respondent / Deputy Commissioner of Labour-I / The
Registrar of Trade Union to dispose of the petitioner's Review
Petition dated 26.02.2018.

For Petitioner : Mr.R.Rajaram

For Respondent : Mr.S.Soundhararaja
Government Advocate

ORDER

This writ petition has been filed by the petitioner, seeking
direction to the Registrar of Trade Union to dispose of the
review application filed by the petitioner.

2. The brief facts leading to the filing of the writ
petition is that the petitioner union is a registered trade
union, having been registered under Section 8 of the Trade Union
Act, 2002. It was functioning as trade union continuously and
there was no complaint against the union. While so, the
registration of the petitioner union was cancelled by the
respondent / Registrar of Trade Union, by his proceedings dated
26.03.2015, stating that it has failed to file the annual
return. Subsequently, the petitioner union filed W.P.No.32585
of 2016 challenging the cancellation order and this Court, by
order dated 19.9.2016 set aside the cancellation order and
remanded the matter back to the Registrar of Trade Union for

fresh consideration. The Registrar of Trade Union, once again confirmed the cancellation by his order dated 16.11.2016, which was challenged by the petitioner union, by way of W.P.No.3901 of 2017. This court, allowed the said writ petition by order dated 21.03.2017 and set aside the order of the respondent dated 16.11.2016, following which the original registration of the petitioner union was restored. In the mean time, the Registrar of Trade Union, accorded registration to another union in the same name of the petitioner union, by his order dated 25.11.2016. Section 7(2) of the Trade Union Act prohibits two unions functioning in the same name and hence the petitioner union filed a review application on 26.02.2018. It is represented that till date the Registrar of Trade Union has not taken up the matter.

2. Learned counsel appearing for the petitioner union submits that it is the mandatory duty of the Registrar of Trade Union to take up the matter and pass orders in accordance with law and prays for a direction from this Court to the respondent to take up the review application and pass orders in accordance with law.

3. Learned Government Advocate appearing on behalf of the respondent was given time to get instructions from the respondent and seeks for further time. This court is of the view that prolonging the matter will not going to serve any purpose. It is the duty of the respondent to pass orders on the review application filed by the petitioner union.

4. Under such circumstances, the respondent / Registrar of Trade Union is directed to take up the review application filed by the petitioner union and pass orders in accordance with law within a period of one month from the date of receipt of a copy of this order. With the above directions, the writ petition is disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VI)

//True copy//

WEB COPY
Sub Assistant Registrar

kst

To

The Deputy Commissioner of Labour-I /
The Registrar of Trade Union under the
Trade Union Act, 1926, D.M.S.Compound
Teynampet, Chennai - 600 006.

+1cc to Mr.R.Rajaram, Advocate SR.No.64890

+1cc to Government Pleader SR.No.65514

W.P.No.24434 of 2018

GMV (08/10/2018)



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