

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 09.02.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.10275 of 2014****WEB COPY**

R.Muthukrishnan
General Secretary,
Nellai Chidhambaranar Kumari
Mavatta Arasu Pookuvarathu
Employees Union,
Tirunelveli.

... Petitioner

Vs.

The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondent

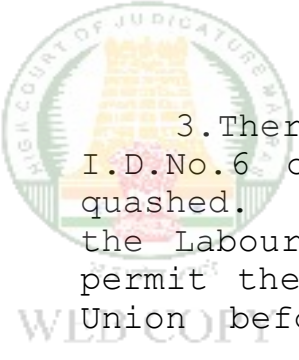
Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of return dated 20.03.2014 in I.D.No.6 of 2014 of the respondent Labour Court, Tirunelveli and to quash the same and consequently, direct the respondent Labour Court to permit the petitioner to represent any member/workmen before the respondent Labour Court, as a office bearer of Nellai Chidambaranar Kumari Mavatta Arasu Pokkuvarathu Employees Union.

For Petitioner	: Mr.J.Ashok
For Respondent	: Labour Court

ORDER

The petitioner is a retired employee of TNSTC. He is also a honorary member of Nellai Chidhambaranar Kumari Mavatta Arasu Pookuvarathu Employees Union. In his capacity as the General Secretary of the said Union, the petitioner sought to represent the workmen before the Labour Court, Tirunelveli. But, by endorsement dated 20.03.2014 in I.D.No.6 of 2014, the Labour Court, Tirunelveli returned the petition.

2.This Court is of the view that the petitioner must be permitted to represent the workmen in any dispute before the Labour Court. The Labour Court has declined permission to the petitioner by quoting the decision of the Hon'ble Supreme Court in State Bank of India Staff Association Vs. State Bank of India reported in AIR 1996 SCC 1685. The said decision is not applicable to the facts on hand. The retired employees can be office bearers of the registered Union and as such entitled to represent any workman in any proceeding before the Labour Court.



3. Therefore, the impugned order dated 20.03.2014 returning I.D.No.6 of 2014 on the file of Labour Court, Tirunelveli is quashed. The petitioner is entitled to represent papers before the Labour Court, Tirunelveli and the respondent is directed to permit the petitioner to the represent the workmen of the trade Union before the Labour Court.

4. This writ petition stands allowed accordingly. No costs.
Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Tirunelveli.

+1cc to Mr.J.Ashok, Advocate Sr.No.47664

ARUL

VB/KK/SAR3/16/03/2018/2P/3C

W.P (MD) No.10275 of 2014
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