

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 09.02.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.1098 of 2016****and****W.M.P. (MD) No.8403 of 2016**

K.Veerapandian

... Petitioner

Vs.

1. The Secretary,
The Tamilnadu Construction Workers
Welfare Board,
No.8, Valluvar Kottam High Road,
Nungambakkam,
Chennai - 600 034.
2. The Secretary,
The Tamilnadu Manual Workers Welfare
Board,
Chinthamani Super Market Commercial
Complex,
Anna Nagar East,
Chennai - 600 102.
3. The District Collector,
Sivagangai District.
4. The Commissioner of Labour,
D.M.S.Campus, Teynampet,
Chennai - 600 006.
5. The Joint Commissioner,
Labour Office, Madurai.
6. The Deputy Commissioner,
Labour Office, Madurai.
7. The Labour Officer,
Social Welfare Scheme
Sivagangai.

... Respondents



the records pertaining to the impugned order passed by the 7th respondent in Na.Ka.No.498/2015, dated 17.12.2015 and quash the same.

For Petitioner

: Mr.K.Gokul

For Respondent

: Mrs.S.Srimathy, Spl.G.P. for RR1 to 7

ORDER

The petitioner is the President of a registered Trade Union. The said Union is working among the labour engaged in the field of construction. As a registered Trade Union, certain privileges are extended in the matter of attestation and enrolment of members in construction welfare board etc. Certain allegations were made against the petitioner Union and the 7th respondent herein issued notice dated 25.11.2015, calling upon the petitioner to meet the allegations. The petitioner offered explanation dated 07.12.2015. Not satisfied with the same, the impugned order dated 17.12.2015 has been passed withdrawing the aforesaid facilities so far extended to and exercised by the petitioner. Aggrieved by the same, the writ petition has been filed.

2.The seventh respondent has not referred to any provision of law which would enable her to pass the impugned order. It is true that non quoting of the requisite legal provision will not vitiate the proceedings. But then, in this case, the power to pass the impugned order is also completely absent.

3.The learned Additional Government Pleader appearing for the 7th respondent is also not in a position to justify the impugned order by pointing out the appropriate provision of law. The petitioner has raised the point of jurisdiction specifically in ground (e). The same has not been answered by the seventh respondent.

4.Therefore, the order impugned in this writ petition stand quashed. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
The Tamilnadu Construction Workers Welfare Board,
No.8, Valluvar Kottam High Road,
Nungambakkam, Chennai - 600 034.



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The Tamilnadu Manual Workers Welfare
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Madurai.

6. The Deputy Commissioner,
Labour Office,
Madurai.

7. The Labour Officer,
Social Welfare Scheme
Sivagangai.

+ 1 cc TO The Special Government Pleader in SR No. 47869,48242

Arul

AE/RSK/SAR1/04.05.2018/3P/9C

**W.P(MD) No.1098 of 2016
and
W.M.P. (MD) No.8403 of 2016
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