



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13741 of 2016

and

WMP(MD)Nos.10247 & 10248 of 2016

Boiler Plant Employee's Union (INTUC),
Rep.by its General Secretary,
R.Kalyanakumar, BHEL Campus,
Tiruchirappalli-620 014.

... Petitioner

Vs.

1.Bharat Heavy Electricals Limited (BHEL),
Rep.by its Director (Human Resources),
BHEL House, Siri Fort,
New Delhi-110 049.

2.The Senior Executive (HR-IR),
Bharat Heavy Electricals Limited,
Bharat Heavy Electricals Limited (P.O),
Tiruchirappalli-620 014.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents consider the representation of the petitioner dated 30.06.2016 and to recognize the petitioner Union as a representative union in the Joint Committee of Corporate of BHEL, New Delhi and in the Plant and Shop Councils of the BHEL, Trichy for the period of 5 years from 28.06.2016 and consequently permit the petitioner to continue to use the office accommodation inside and outside the BHEL company, Trichy within a time limit.

For Petitioner : Mr.M.Makesh Kumaravel

For Respondents : Mr.Raguvaran Gopalan
for K.Prabhakar

ORDER

The petitioner is a registered trade union and the petitioner is working among the workers of BHEL. It is a public sector undertaking. Once in five years, elections are conducted to elect members for the joint committee at corporate level. Elections were held on 27.06.2016. The petitioner union secured 541 votes and got 09.70% of the total number of votes. It is admitted that the writ



petitioner did not succeed in the election. They could not secure a place in the joint committee at corporate level of BHEL.

2. Only if the writ petitioner was elected as a member in the said committee, it could be permitted to use the office accommodation provided for by the BHEL. Once they had lost in the election it was bound to vacate the said office accommodation. Demanding restoration of the premises allotted to it, BHEL had issued notice. The petitioner has submitted representation dated 30.06.2016 and also sought recognition as representative union.

3. When the writ petitioner had lost in the election conducted by the BHEL, the question of granting recognition or permitting it to use the office accommodation cannot arise. The petitioner has not made out a case for interference in exercise of jurisdiction under Article 226 of the Constitution of India. The petitioner has not been able to point out if any particular statutory provision has been infringed. A Writ of Mandamus can lie only if any legal right of the petitioner has been infringed. Such is not the case herein.

4. There is absolutely no merit in this writ petition. It stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+1CC to Mr.K.Prabhakar, Advocate, SR.No. 46501

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