

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No. 8277 of 2018

ORDER:-

Heard learned Counsel appearing for the petitioner and the learned Government Pleader for Labour appearing for the respondents.

According to the petitioner, it is a registered union under the provisions of the Trade Union Act, 1926 bearing Registration No.H-101. Earlier, Bhagyanagar Municipal GHMC Employee's Union filed W.P.No.7826 of 2015 before this Court questioning the action of the respondent-authorities in not conducting verification process to determine the majority union and to accord recognition in respondent No.4 Corporation. This Court disposed of the said Writ Petition by way of an Order, dated 24.03.2015 directing the respondents No.1 to 3 therein to consider and dispose of the representations submitted by the petitioner therein and to take appropriate action in accordance with law within a period of six weeks from the date of receipt of the copy of the order. Alleging disobedience on the part of the respondent-authorities, the petitioner in the said Writ Petition filed Contempt Case No.1919 of 2015. This Court on 26.12.2017 passed the following Order:-

“Learned standing Counsel Sri N.Ashok Kumar submits that on 21.12.2017 list of voters in 25 centres have been communicated to the Labour Department.

Learned Assistant Government Pleader for Labour submits that one tentative schedule had already been issued on 24.01.2018 for conducting

elections and steps will be taken for conducting elections as per the schedule.

List the matter after two months.

Copy of this order be communicated to the Joint Commissioner of Labour for taking further action.”

Obviously in furtherance of the orders passed earlier in the aforesaid Writ Petition, the respondent-authorities issued a notification on 28.02.2018 for holding elections on 17.03.2018. In the present Writ Petition, the grievance of the petitioner precisely is that all the workers including the members or associates are engaged in tax collection work, as such it would not be convenient for them to participate in the elections in an active manner.

It is submitted by the learned Counsel appearing for the petitioner that if election, as proposed on 17.03.2018, is allowed to be conducted, the workers would be put to irreparable loss and hardship.

Today, written instructions furnished by the Returning Officer of the proposed election is placed on record by the learned Government Pleader for the Department of Labour. The said instructions read as under:-

“The proposed secret ballot election followed by counting of votes will be done by the machinery of Labour Department on the poll day i.e., on 17.03.2018 and as such the efforts for collection of tax by the staff of GHMC during the month of March will not be effected in view of the conducting of secret ballot election.

Further it is to submit that vide Lr.No.F/3581/2014, dated 05.03.2018, the Department of Police was also informed about conducting of secret ballot election on 17.03.2018 and thus requested for arrangement of Police bandobusth in all 25 polling stations across the limits of Greater Hyderabad Municipal Corporation.

Accordingly, vide proceedings No.F/3581/2014, dated 09.03.2018, the officials and the staff of the Labour Department are drafted for election duty.

It is also submitted that, dummy ballot papers for the proposed secret ballot election were also communicated to the contesting unions for educating the voters.

The polling material was also procured for the above election.

As such, the entire election arrangements are completed under the provisions of Code of Discipline.

In this connection, it is submitted that the Hon'ble High Court in Contempt Case No.1919 of 2015 pronounced the following directions for conducting the secret ballot election in GHMC, which is reproduced as under:

“The learned Assistant Government Pleader for Labour submits that meeting is being convened on 28.02.2018 for fixing the date of elections.

The learned Standing Counsel for Municipal Corporation submits that an amount of rs.5,00,000/- has already been paid towards election expenses and voters list also has been furnished on 02.02.2018 and it is now for the Department of Labour, to take appropriate action.

If the elections are not conducted by fixing the date in the meeting to be convened on 28.02.2018, this Court will have to take a serious view of the matter.”

Accordingly, in obedience of the orders of the Hon'ble High Court, the entire election process is

being taken up and accordingly the election schedule is issued in this regard.”

A reading of the above instructions, in clear and vivid terms reveals that all the arrangements for the ensuing elections have been made and obviously the said process is undertaken in terms of the Orders of this Court. Since the election process has already commenced, and as the impugned action is being taken in terms of the Orders of this Court, this Court is not inclined to interdict the process of elections.

Accordingly, the Writ Petition is dismissed. Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

Date: 15.03.2018
smr

A.V.Sesha Sai, J

