

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.10484 OF 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“For the reasons mentioned in the accompanying affidavit, is therefore prayed that this Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent No.3 in not taking any steps as per Section 10 of the Trade Unions Act, 1926 pursuant to the Representation, dated 15.11.2017 submitted by the petitioner seeking cancellation of Registration Certificate issued in favour of Respondent No.4 Union as illegal, unjustified and in violation of procedure laid down under the Trade Unions Act, 1926 and Regulations therein and consequently direct the Respondent No.3 to take steps for cancellation of Registration Certificate issued in favour of Respondent No.4 Union by following the procedure laid down under Section 10 of the Trade Unions Act, 1926 and pass such other and further order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case and in the interest of the justice.”

2. I have heard the submissions of the learned counsel appearing for the petitioner and the learned Government Pleader for Labour appearing for the respondents 1 to 3. I have perused the material record.

3. Learned counsel for the petitioner would submit that the fourth respondent Trade Union obtained registration by playing fraud and misrepresenting facts, and therefore, the petitioner submitted a representation, dated 15.11.2017 under the Trade Unions Act, 1926 for cancellation of Registration Certificate issued to the fourth respondent Union and that on the said representation, the third respondent has not taken any action in accordance with the procedure established by law and therefore, the present writ petition is filed.

4. Learned Government Pleader brings to the notice of this Court that the notices issued by the Deputy Commissioner of Labour on 05.12.2017 and

06.02.2018 calling upon the petitioner as well as the fourth respondent to attend the joint meeting and would further submit that the petitioner failed to attend any of such meetings. He would specifically bring to the notice of this Court that the notice, dated 05.12.2017 was issued with regard to subject 'Cancellation of Union Registration of the fourth respondent'. He would, therefore, submit that the petitioner ought to have attended the meeting and ventilated the grievance before the Officer concerned and the petitioner failed to do so.

5. In reply, the learned counsel for the petitioner would submit that this writ petition may be disposed of reserving liberty to the petitioner to raise the issue of cancellation of Union Registration of the fourth respondent and make a request to the third respondent at the meeting for consideration of the representation of the petitioner in an appropriate manner in accordance with law and with that observation, the writ petition may be disposed of.

6. Recording the submissions, this writ petition is disposed of reserving liberty to the petitioner to attend joint meeting, if any to be conducted by the third respondent in future, and ventilate the grievance of the petitioner in that meeting by making a request to the third respondent to consider the representation of the petitioner, dated 15.11.2017, and the third respondent shall dispose of the aforestated representation in strict accordance with the procedure established by law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

29.03.2018
pln

M. SEETHARAMA MURTI, J