

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.6.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.425 of 2013
and
M.P.Nos.1 and 2 of 2013

Tamilnadu Co operative Bank,
Employees Association
(Affiliated to AIBEA & AICEBEF)
Rep. by its General Secretary
Shri.P.Balakrishnan,
Reg. Off: 233, NSC Bose Road,
Chennai 600 001. Appellant

Versus

1. The Registrar of Cooperative Societies
170, Periyar EVR Salai,
Kilpauk, Chennai 600 010.
2. The Government of Tamil Nadu,
rep. by its Secretary,
Department of Food & Consumer
Protection Department,
Fort St. George, Chennai 600 009.
3. The Special Officer,
Tamil Nadu State Apex
Co-operative Bank, सतयमेव जयते
233, NSC Bose Road, Chennai 600 001.
4. The Commissioner of Labour &
Chairperson,
State Evaluation and Implementation
Committee,
DMS Compound, Teynampet,
Chennai 600 086.
5. Anna Thozhirsanga Peravai,
rep. by its President,
275, Avvai Shanmugam Salai,
Royapettah, Chennai 600 014.

6. Labour Progressive Federation
rep. by its General Secretary,
No.25 Thiagaraya Street,
North Usman Road, T.Nagar,
Chennai 600 017.

7. Bank Employees Federation
of India (Tamilnadu)
No.27, V.V.Koil Street,
Teynampet, Chennai 600 086.

Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this court dated 15.2.2013 in W.P.No.28891 of 2012.

Prayer in W.P.No.28891 of 2012: Petition Under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the impugned proceedings bearing RC No.46664/2011 CBS-1 purportedly dated 27.9.2012 but signed on 3.10.2012 and quash the same and direct the official respondents 1 2 3 & 4 to ascertain the majority status of the union representing the workforce covered by the wage negotiations under the proceedings of the 1st respondent in RC No.46664/2011 CBS-1 dated 7.5.2012 and further direct that the wage negotiations should proceed only with that association with enjoys majority membership of the said workers and with no other union holding that such majority union alone has the locus standi to represent the workers with regard to the Industrial disputes, namely collective disputes under Section 2(k) of the Industrial Disputes Act.

For appellant : Mr.V.Prakash, Senior Counsel
for Ms.S.Kala

For R1 & R3 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

For R2 : Mr.N.Srinivasan, AGP

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

Having heard the learned counsel for the appellant, we are of the opinion that the present writ appeal against the order passed by the learned Single Judge dated 15.2.2013 disposing of writ petitions in W.P.Nos.28891 of 2012, 2830 and 3104 of 2013 has become infructuous due to lapse of time as the learned counsel for the appellant brought to our notice that in

pursuance of the impugned order passed by the Registrar of Co-operative Societies which was impugned in the writ petition, conciliation talks had been concluded way back in 2013 itself without participation of the Tamil Nadu Cooperative Bank Employees Forum and therefore, the present writ appeal has become infructuous as the order of the Registrar of Cooperative Societies stood complied with.

2. In the facts and circumstances, we dispose of the present writ appeal keeping open the substantial questions of law that arise in this Appeal for determination in an appropriate case. No costs. The connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Registrar of Cooperative Societies
170, Periyar EVR Salai,
Kilpauk, Chennai 600 010.
2. The Secretary,
Government of Tamil Nadu,
Department of Food & Consumer
Protection Department,
Fort St. George, Chennai 600 009.
3. The Commissioner of Labour &
Chairperson,
State Evaluation and Implementation
Committee,
DMS Compound, Teynampet,
Chennai 600 086.

+1 cc to Mr.K.Sudalaikannu, Advocate, S.R.No.48862

+1 cc to the Government Pleader, S.R.No.48685

+1 cc to the Special Government Pleader, S.R.No.48543

W.A.No.425 of 2013

PA(CO)
SSM(24/07/2019)