

IN THE HIGH COURT OF JUDICATURE AT MADRAS

19.07.2019

Coram

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.21431 of 2019
and
W.M.P.No.20630 of 2019

K.P.Jagan ... Petitioner

vs.

1.The Commissioner of Labour,
Teynampet, Chennai-6.

2.The Joint Commissioner of Labour-I,
Teynampet, Chennai-6

3.S.Senthilnathan Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first and second respondents to consider the petitioner's representation dated 17.07.2019 and pass orders within stipulated time period as may be fixed by this Court.

For Petitioner .. Mr.Stalin for
Mr.Sundaravadanam T.

For Respondents .. Mr.J.Pothiraj, Spl.G.P.
For R1 and R2

ORDER

The petitioner claims himself to be a member of the Trade Union, viz., Tamil Nadu Thiraipada Iyakunargal Sangam, which is a registered Trade Union. According to the petitioner, a General Body was conducted on 10.06.2019, wherein, a declaration was made that on 14.07.2019 election would be held for the office bearers of the Union. Thereafter, it was informed on 02.07.2019 that the election stood postponed to 21.07.2019. Thereafter, a further general body was convened on 08.07.2019 and confirmed the election, which is scheduled on 21.07.2019.

2. According to the petitioner, the election is to be conducted within a short duration for various posts like President, Vice-President, Joint Secretary, Executive Committee Members etc. No proper procedure has been prescribed in the bylaws, to be followed while holding election on 21.07.2019. According to him, number of defects are found in the announcement of election and the procedure to be followed. In the said circumstances, the petitioner has now come before this Court seeking a direction to the first and second respondents to consider his representation, dated 17.07.2019, to conduct a free and fair election, as according to him, the person, who is entrusted with the task of conducting election, would not conduct a free and fair election.

3. From the above narrative, it could be seen that it is purely an internal matter of the Union and any dispute in regard to the procedure to be followed in the conduct of the election and the manner in which the election is likely to be conducted as scheduled, cannot be the subject matter of litigation before this Court, when this Court exercises its Constitutional jurisdiction under Article 226 of the Constitution of India. In case, the election is being conducted without following any by-laws, if any, and no proper procedure has been followed, it is always open to the aggrieved member of the Union to approach appropriate Civil Court and challenge the procedure adopted for conduct of the election. The Civil Court alone is competent to adjudicate such dispute, since adjudication of such dispute would also involve settlement of factual controversies in the matter. In such view of the matter, this Court does not think that the present dispute can be entertained by this Court.

4. What the petitioner is seeking in the writ petition is to dispose of his representation, but seeking such seemingly innocuous prayer, the petitioner is attempting to drag the High Court to decide intra member dispute in respect of the third respondent Sangam, which is not amenable to the writ jurisdiction of this Court.

5. In view of the above, this Court does not think that the writ petition is maintainable and therefore, the same is dismissed. No costs. Consequently connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

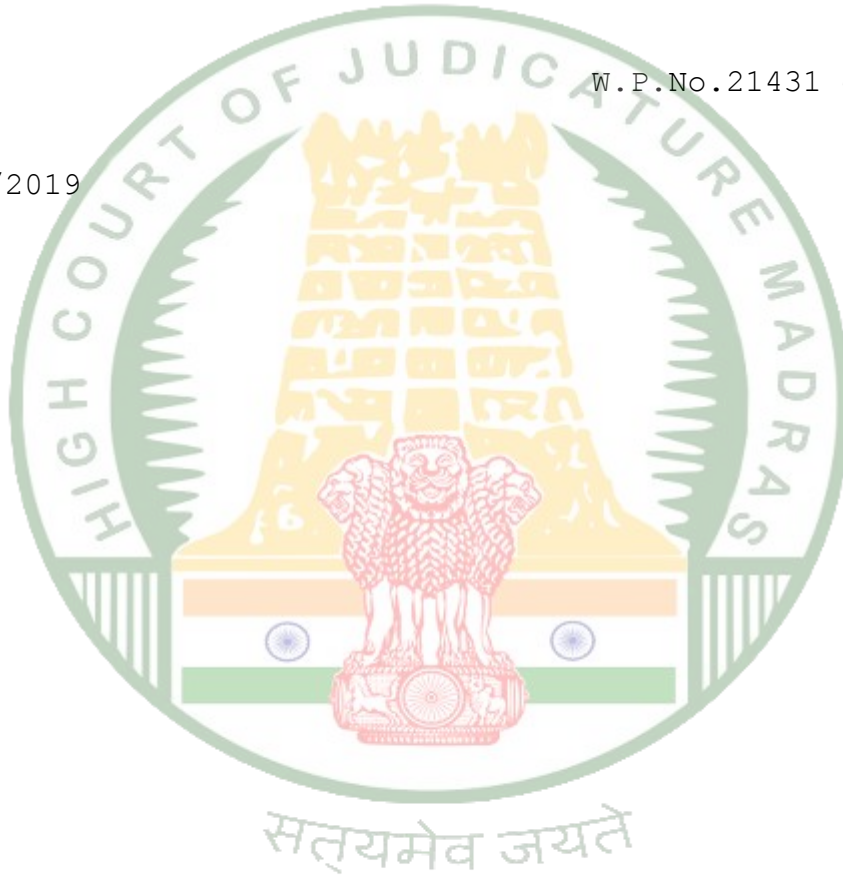
1.The Commissioner of Labour,
Teynampet, Chennai-6.

2.The Joint Commissioner of Labour-I,
Teynampet, Chennai-6.

+2cc to Mr.T.Sundaravadanam, Advocate Sr.62421 & 62063
+1cc to the Government Pleader Sr.62392

W.P.No.21431 of 2019

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srg 29/08/2019



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