

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.02.2019

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**W.P. (MD) .No.1994 of 2019**

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TAFE Employee's Front
Regd.386/DGL,
Ganesan illam,
Vetinary Hospital North Street,
Amayanayakanoor,
Nilakottai Taluk,
Dindigul District,
Rep., by its President

... Petitioner

-vs-

1) The Registrar of Trade Unions
(Joint Commissioner of Labour)
Labour Department Office,
Collectorate Complex,
Dindigul - 5

2) The District Collector,
Collector Office Complex,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to consider the representation of the petitioner dated 12.12.2018 and conduct an election among employees of TAFE Kallidaipatti, Dindigul District to elect their representative.

For Petitioner : Mr.T.Ravichandran

For Respondents :Mr.N.Shanmugaselvam,
Additional Government Pleader

O R D E R

The instant writ petition has been filed for a Mandamus directing the first respondent to consider the representation of the petitioner dated 12.12.2018, requesting the first respondent to conduct elections among the employees of TAFE, Kallidaipatti, Dindigul District to elect their representatives.

2. It is the case of the petitioner Union that their Union was formed on 06.12.2015 with a member strength of 205 members and was registered on 14.03.2016 before the first respondent. According to the petitioner, even though election was conducted on 10.06.2018 and office bearers were elected, the same was informed to the first respondent by the petitioner only on 31.08.2018.



3. According to the petitioner, the Management of TAFE with a view to have a puppet Union, appointed one Mr.Meenakshi Sundaram, as the President of the Union by misusing the registration number and address of the registered Union and thereby the Management misrepresented before the first respondent. It is the case of the petitioner that Mr.Meenakshi Sundaram was not duly elected as the President of the petitioner's Union and he was made as the President as per the records of the first respondent only by his misrepresentation. Therefore, the petitioner gave a representation dated 12.12.2018 to the first respondent calling upon them to conduct elections among the employees of TAFE Kallidaipatti, Dindigul District and to elect their representatives. Even though the representation was given on 12.12.2018 till date, according to the petitioner, the representation has not been duly considered by the first respondent. In such circumstances, the said writ petition has been filed.

4. Heard Mr.T.Ravichandran, learned counsel for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents.

5. As seen from the averments contended in the affidavit filed in support of the writ petition, it is the case of the petitioner that elections to the petitioner's Union were conducted on 10.06.2018 and office bearers were elected but due to the misrepresentation made by one of the employees namely Mr.Meenakshi Sundaram to the first respondent, he was made the President of the petitioner's Union instead of Mr.S.Santhosharaju.

6. According to the petitioner, the Management of TAFE wanted to have a puppet Union and therefore, they have also recognized only Mr.Meenakshi Sundaram as the President of the petitioner's Union. The petitioner has also given a representation dated 12.12.2018 to the first respondent requesting them to conduct an election in the petitioner's Union among the employees of TAFE Kallidaipatti, Dindigul District in order to elect their representatives. The said representation has not been till date considered by the first respondent.

7. In the light of the above facts and circumstances, this Court directs the first respondent to consider and dispose of the representation dated 12.12.2018 given by the petitioner requesting the first respondent to conduct elections to the petitioner's Union in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. With the above direction, the **Writ Petition is disposed of.** No costs.

Sd/-

Assistant Registrar (T AND P)

// True Copy //



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To

1) The Registrar of Trade Unions
(Joint Commissioner of Labour)
Labour Department Office,
Collectorate Complex,
Dindigul - 5

2) The District Collector,
Collector Office Complex,
Dindigul.

1 CC to M/s.T.RAVICHANDRAN, Advocate (SR-50466[F] dated
28/02/2019)

Order made in
W.P. (MD) .No.1994 of 2019

28.02.2019

DS/ /SAR- (27.03.2019) 3P 4C