

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.1663 of 2020

R.Balakrishnan
State President
Labour Welfare Protection Trade Union
No.44, Nethaji Street, Ponnagar,
Mettur - 636 401.
Salem District.

... Petitioner

vs.

- 1.The Joint Commissioner of Labour
Korimedu, Salem-8.
- 2.The Assistant Commissioner of Labour
Korimedu, Salem-8.
- 3.The Labour Officer
Korimedu, Salem-8.
- 4.The Additional Registrar of Trade Union
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to return of application in Aa.Thi.Mu./Aaa.3/121/2017 dated 29.06.2018 on the file of the 2nd respondent and quash the same and direct the respondents to receive the application of the petitioner and register the Trade Union in the name of "Labour Welfare Protection Trade Union".

For Petitioner : Mr.V.Elangovan
For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents. By consent of both the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. Challenge made in this writ petition is against the proceedings of the second respondent dated 29.06.2018, through which, the application filed by the petitioner for registration of the petitioner-Trade Union was returned by stating that the documents related to the Trade Union were not furnished along with the application. Consequently, the petitioner seeks for a direction to the respondents to receive the application of the petitioner and register the Trade Union in the name of the Labour Welfare Protection Trade Union.

3. Heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.D.Suriyanarayanan, learned Additional Government Pleader for the respondents.

4. The impugned proceedings is only a communication sent to the petitioner returning the application filed by him on the reason that the said application did not contain documents related to the Trade Union. Therefore, it is evident that the application was not rejected, but, only returned for compliance.

5. According to the petitioner, he has filed necessary documents along with the application. Therefore, he made a representation on 30.09.2019 seeking for particulars of the documents to be furnished along with the application.

6. The impugned proceedings does not indicate as to what are the relevant documents failed to be produced along with the application. Therefore, it is for the first respondent to respond to the representation made by the petitioner dated 30.09.2019 and communicate the same to the petitioner, accordingly. Based on the communication from the first respondent, it is open to the petitioner to make represent the application along with necessary documents. The first respondent shall issue such communication within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, this Writ Petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Joint Commissioner of Labour
Korimedu, Salem-8.

2.The Assistant Commissioner of Labour
Korimedu, Salem-8.

3.The Labour Officer
Korimedu, Salem-8.

4.The Additional Registrar of Trade Union
Salem.

+lcc to Mr.V.Elangovan, Advocate sr.6457
+lcc to Government Pleader SR.NO. 6695

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