IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.09.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 5504 of 2019

K.Rajasekaran

... Petitioner

-vs-

1. The Deputy Labour Commissioner - I,
   Labour Commissioner Office,
   Tyenampet, Chennai - 600 018.

2. The Managing Director,
   Metropolitan Transport Corporation,
   Pallavan Salai,
   Chennai - 600 002. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the First Respondent to consider the Petitioner representations dated 06.07.2017, 08.08.2017 and 06.09.2017 and to receive the 'E' Forms and to renew the Union Registration No.3020/CNI as per Section 28 and 31 of the Trade Union Act and consequently treat the Union as Inforce to till date.

For Petitioner : Mr. Kanagaraju.C

For Respondents : Mr. D.Sathyaraj (For R1)
Special Government Pleader

Mr. K.Murthy (For R2)

O R D E R
(through video conference)

The Petitioner in this Writ Petition seeks to issue a direction to the First Respondent to consider his representations dated 06.07.2017, 08.08.2017 and 06.09.2017 and to receive the Form-E and to renew the Trade Union Registration No.3020/CNI as per Sections 28 and 31 of the Trade Unions Act, 1926, and consequently treat that Trade Union as functioning as on date.

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2. Learned Special Government Pleader appearing for the First Respondent, on instructions, states that the Trade Union, viz., 'Arasu Pokkuvarathu Matrum Pothu Thozhilalarkal Manitha Urimai Thozhirsangam', which has been registered as No.3020/CNI on 01.10.2004 by the First Respondent had not submitted the annual returns in Form-E as stipulated in Section 28 of the Trade Unions Act, 1926, and Regulation 18 of the Tamil Nadu Regulations under the Trade Unions Act, 1926, from its inception and that the show cause notice dated 23.09.2014 issued to the Petitioner by Registered Post had been returned unserved with postal endorsement 'addressee not known', as a consequence of which the registration of that Trade Union had been cancelled by order No. Ni.Mu.B3/3802/2014 dated 26.03.2015 under Section 10 (b) of the Trade Unions Act, 1926. He has also filed a memo to that effect along with copies of the aforesaid correspondence with the Petitioner, which are placed on record.

3. In the aforesaid circumstances, the question of renewing the registration of the Petitioner would not arise and the Petitioner would have take necessary steps for setting aside the order of cancellation of registration of that Trade Union and work out his remedy in that regard before the appropriate forum in the manner recognized by law.

Accordingly, the Writ Petition is dismissed with the aforesaid observations. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kv/vjt

To

1. The Deputy Labour Commissioner - I,
   Labour Commissioner Office,
   Tyenampet, Chennai - 600 018.

2. The Managing Director,
   Metropolitan Transport Corporation,
   Pallavan Salai,
   Chennai - 600 002.

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