



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.13705 of 2019

and

W.M.P.No.13766 of 2019

The Madras Port Trust Employees Union
No.34(9), SCC Anthony Pillai Bhavan
Second Line Beach, Parrys,
Chennai-600 001.
Rep. by its President
P.A.Sivakumar

...Petitioner

vs.

1.The Union of India
Rep. by its Secretary
Ministry of Shipping
Transport Bhavan, New Delhi.

2.The Chairman
Chennai Port Trust
No.1, Rajaji Salai, Chennai-600 001.

...Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation/objection submitted by the petitioner-Union dated 02.04.2019 and to take appropriate remedial action for the lapses/irregularities committed in the process of Check Off for the year 2019-2020 before taking any final decision and publication of the results for the Check Off for the year 2019-2020 of Chennai Port Trust.

For Petitioner	:	Mr.G.Sankaran
For Respondents	:	Mr.P.M.Subramanian for R2

O R D E R

This writ petition is filed seeking for mandamus directing the second respondent to consider the representation/objection submitted by the petitioner-Union dated 02.04.2019 and to take appropriate remedial action for the lapses/irregularities committed in the process of Check Off for the year 2019-2020 before taking any final decision and publication of the results for the Check Off for the year 2019-2020 of Chennai Port Trust.



2. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.P.M.Subramanian, learned counsel for the second respondent.

3. A counter affidavit is also filed by the second respondent.

4. The petitioner is an Employees' Union. According to the petitioner-Union, there are serious irregularities committed in the process of Check Off for the year 2019-2020 and therefore, pointing out such irregularities, they made a representation on 02.04.2019 and wanted the second respondent-Management to rectify the same.

5. On the other hand, in the counter affidavit filed by the second respondent, it is specifically stated that the representation dated 02.04.2019 received from the petitioner-Union was examined in detail and no irregularities was found as alleged by the petitioner-Union.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner or the contentions raised by the second respondent, since the limited prayer sought for in this writ petition is for considering the representation made by the petitioner dated 02.04.2019. Though it is stated in the counter affidavit that the said representation was considered and that no irregularities as alleged by the petitioner-Union was found, admittedly, no communication was issued to the petitioner in response to their representation dated 02.04.2019. Therefore, this Writ Petition is disposed of only with a direction to the second respondent to communicate their decision made on the representation of the petitioner dated 02.04.2019 within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary
Union of India
Ministry of Shipping
Transport Bhavan, New Delhi.

2.The Chairman
Chennai Port Trust
No.1, Rajaji Salai, Chennai-600 001.
+1cc to Mr.P.M.Subramanian , Advocate SR.No. 570
+1cc to Mr.G.Sankaran , Advocate SR.No. 642

W.P.No.13705 of 2019

A.SK(07/01/2020)