

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 08-10-2020

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.14127 of 2020

and W.M.P.Nos.17540, 17542 and 17544 of 2020

1. James Robson

2. T.Sigymool

...Petitioners

-vs-

1. The Labour Commissioner

DMS Complex,
Teynampet, Chennai - 600 006.

2. The Additional Registrar of Trade Unions-No.1-cum-
Deputy Commissioner of Labour No.1,
DMS Complex, Teynampet,
Chennai - 600 006.

3. South Indian Cine, Television Artistes and
Dubbing Artistes Union,
Rep. by its General Secretary,
No.10, 4th Street, Vijayaraghavapuram,
Saligramam, Chennai - 600 093.

4. Tamil Film Producers Council
Represented by its President,
No.606, Anna Salai,
Thousand Lights, Chennai - 600 006.

... Respondents

Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus, directing the first and second respondent to declare that the collection of wages of the members of the third respondent union directly from the fourth respondent and compulsorily deducting 10% from the wages is unconstitutional, ultravires and void-ab-initio.

For Petitioner : Mr.S.Veeraraghavan

ORDER

This writ petition has been filed seeking for a writ of mandamus directing the first and second respondent to declare that the collection of wages of the members of the third

respondent union directly from the fourth respondent and compulsorily deducting 10% from the wages is unconstitutional, ultravires and void-ab- initio.

2. The learned counsel appearing for the petitioner after some arguments has submitted before this Court that, in the order passed by the second respondent in proceedings, dated 23.12.2014 in Aa3/7616/14, the second respondent has stated that, the dispute raised by the similar person like the petitioner already against the third respondent union cannot be resolved by the second respondent as according to the second respondent he does not have jurisdiction to decide such kind of dispute between the members and office bearers of the third respondent and accordingly the earlier issue raised in this regard has already been turned out by the said order of the second respondent. Since the similar issue now has been raised by the petitioner who is also the member of the third respondent union, in view of the above, he wants to challenge the very order passed by the second respondent dated 23.12.2014, hence he wants to withdraw this writ petition with the liberty to challenge the said order.

3. Recording the said submissions made by the learned counsel appearing for the petitioner, this writ petition is dismissed as withdrawn with the aforesaid liberty. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Labour Commissioner
DMS Complex,
Teynampet, Chennai - 600 006.
2. The Additional Registrar of Trade Unions-No.1-cum-
Deputy Commissioner of Labour No.1,
DMS Complex, Teynampet,
Chennai - 600 006.

W.P.No.14127 of 2020

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