

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

W.P.No.19274 of 2020

Dravida Thozhilalar Uzhiyar Sangam
Rep.by the General Secretary
Cuddalore District 607 308.

...Petitioner

-Vs-

The Deputy Chief Labour Commissioner (Central)
No.26, III Block, 5th Floor, Shastri Bhavan
Haddows Road, Nungambakkam
Chennai - 600 006.

...Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondent to pass an order on the representation of the petitioner dated 12.11.2020.

For Petitioner : Mr.R.Rajaram
For Respondents : Mr.N.Ramesh,
Central Government Standing Counsel

O R D E R

The prayer sought for herein is for a writ of Mandamus directing the respondent to pass an order on the representation of the petitioner dated 12.11.2020.

2. At the consent of the learned counsel for both sides, the writ petition is disposed of at the admission stage itself.

3. According to the learned counsel appearing for the petitioner, the petitioner Employees Union was started and registered only recently. However, the petitioner Union also, according to the learned counsel, is entitled to participate in the election to be conducted by way of secret ballot for getting recognition from the employer ie., Neyveli Lignite Corporation management. Therefore, in this regard, the petitioner Union has given a representation to the respondent who has already been appointed as Election Officer on 21.10.2020. Therefore, all

that the learned counsel for the petitioner seeks is, to consider their representation on merits and accordingly a decision may be taken by the respondent and the same can be communicated to the petitioner within a time frame that may be stipulated by this Court.

4. On the other hand, Mr.N.Ramesh, learned Central Government Standing Counsel appearing for the respondent, on instructions, would submit that, the respondent being Election Officer, has taken charge only yesterday and he has not so far decided as to what would be the schedule of election and even before the schedule of election is decided, the petitioner Union, which admittedly is of a recent origin only in the month of October, has made this plea. Learned Standing Counsel would also submit that, as per the regulations which are in vogue, if the employees union is newly registered, the same must have a cooling period of one year and then only it would be considered for inducting into electoral process and therefore, only after considering the regulations in vogue, the question as to whether the request now being made by the petitioner union can be accepted or not would be decided by the respondent, and certainly in this context, the representation dated 21.10.2020 followed by another reminder dated 12.11.2020 would be considered on merits and orders to that effect will be passed within a time frame that may be stipulated by this Court.

5. I have considered the said submissions made by the learned counsel for both sides and also perused the materials placed on record.

6. Since the prayer is innocuous in nature, where the petitioner Union seeks a Mandamus to direct the Election Officer to consider the representation dated 21.10.2020 followed by another reminder dated 12.11.2020 with regard to their grievance to induct them also in the electoral process, which is going to take place, for the purpose of recognition under the employer and in this regard the petitioner Union is a registered Union, though of a recent origin, this Court is inclined to pass the following order.

7. That the respondent is hereby directed to consider the representation 21.10.2020 and the subsequent reminder dated 12.11.2020 and accordingly decide the same on merits and in accordance with law and in this regard, if the respondent desires to give a personal hearing that can also be given to the petitioner and after giving such an opportunity, the issue can be decided on merits and in accordance with law within a period of 30 days from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KST

To

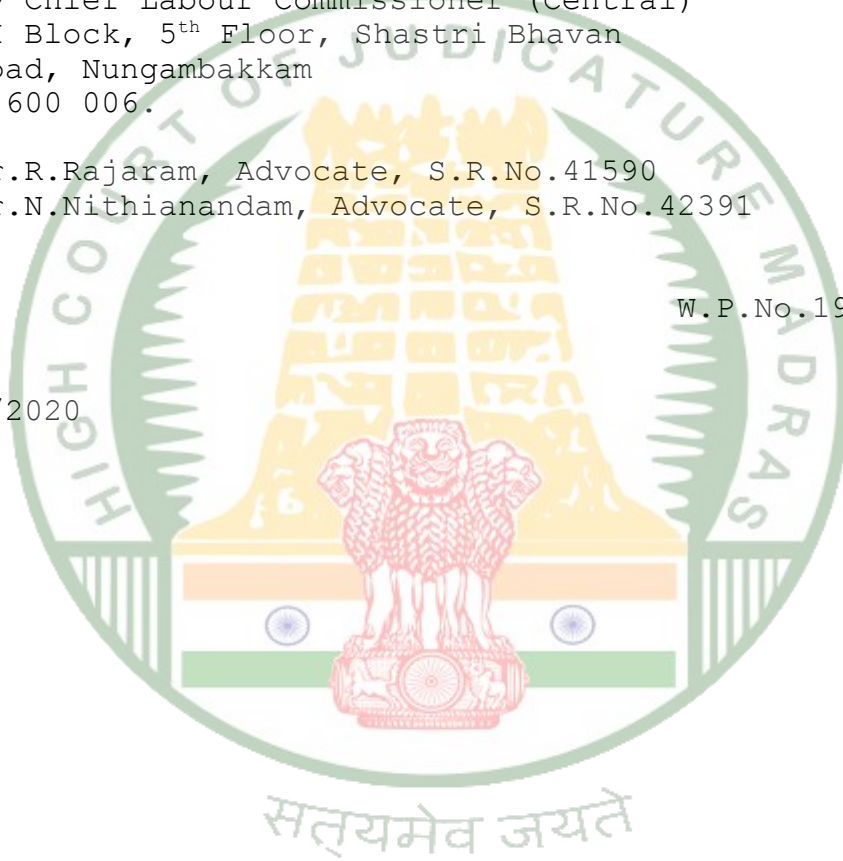
The Deputy Chief Labour Commissioner (Central)
No.26, III Block, 5th Floor, Shastri Bhavan
Haddows Road, Nungambakkam
Chennai - 600 006.

+1cc to Mr.R.Rajaram, Advocate, S.R.No.41590

+1cc to Mr.N.Nithianandam, Advocate, S.R.No.42391

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SVI (CO)
KKV/22/12/2020



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