



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.2105 of 2020

and

W.M.P. (MD) .No.1756 of 2020

K.S.G.Kumar

.. Petitioner

Vs.

1. The Joint Commissioner of Labour,
Bharathi Ula Road, Labour Department,
Near Thamarai Tank,
Madurai - 625 001.

2.K.Gurusamy

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to verify the members list furnished by the 2nd respondent for registration of Southern Region Textile Workers Union and cancel the Registration No.1560/MDU at No.6, Aruldoss Puram, 3rd Street, Thathaneri, Madurai - 625 018 and thereby forbearing the 2nd respondent from using the Petitioner's INTUC symbol, logo etc., which was exclusively being used by the Petitioner's National Textile Workers Union (INTUC) in Registration No.684/dated 11.10.1947 and Affiliation No.336 dated 02.01.1948.

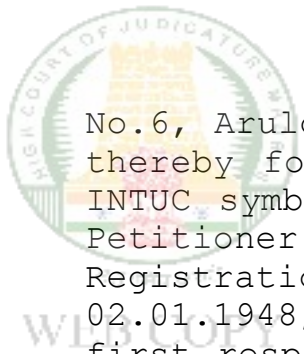
For Petitioner : Mr.M.Lingadurai

For Respondent No.1 : Mr.R.Sethuraman
Special Government Pleader

For Respondent No.2 : Mr.M.E.Elango

ORDER

Though the petitioner has sought for issuance of writ of mandamus to direct the first respondent to verify the members list furnished by the 2nd respondent for registration of Southern Region Textile Workers Union and cancel the Registration No.1560/MDU at



No.6, Aruldoss Puram, 3rd Street, Thathaneri, Madurai - 625 018 and thereby forbearing the 2nd respondent from using the Petitioner's INTUC symbol, logo etc., which was exclusively being used by the Petitioner's National Textile Workers Union (INTUC) in Registration No.684/dated 11.10.1947 and Affiliation No.336 dated 02.01.1948, in my view, such a decision is to be taken by the first respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 24.01.2020 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 24.01.2020, on its own merits and pass appropriate orders, after giving due opportunity of personal hearing of the petitioner as well as the second respondent herein, within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the first respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

The Joint Commissioner of Labour,
Bharathi Ula Road, Labour Department,
Near Thamarai Tank,
Madurai - 625 001.

+1 CC to M/s.M.LINGADURAI, Advocate (SR-9228[F] dated
28/02/2020)

+1 CC to M/s.M.E.ILANGO, Advocate (SR-9436[F] dated 02/03/2020)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-9694[F] dated
02/03/2020)

W.P. (MD) No.2105 of 2020
28.02.2020

PJL

AE/ (16.03.2020) 3P 5C