



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.20095 of 2014

BHEL Contract Labour Union,
rep., by its General Secretary,
M.Sekar

... Petitioner

-Vs-

1.The Chiarmen,
BHEL House,
Siri Fort, New Delhi 110 049.

2.The Executive Director,
Bharath Heavy Electricals Limited,
Thiruvaramubur Post,
Thiruchirapalli District.

3.The Retired Employees Association,
rep., by its Secretary,
PH Quarters No.17,
Backside to Boiler Plant Police Station,
Thiruvaramubur Post,
Thiruchirapalli District.

... Respondents

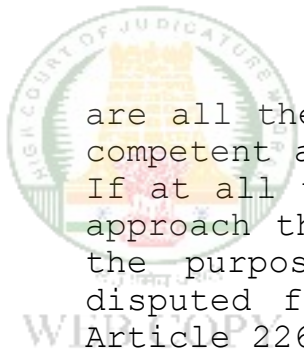
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent not to allot or transfer the contract to the members of the third respondent Association or to third parties to carry out the contract.

For Petitioner	:	Mr.D.Veerasekaran
For Respondents	:	Mr.A.V.Arun (for R1 & R2)
		No appearance (for R3)

ORDER

The relief sought for in the present writ petition is to direct the second respondent not to allot or transfer the contract to the members of the third respondent Association or to third parties to carry out the contract.

2.This Court is of the considered opinion that the negative prayer as such sought for in the present writ petition cannot be granted. A person can move a writ petition to establish his rights and seek a remedy. Contrarily, such person cannot be allowed to seek a negative prayer so as to infringe the rights of other persons or Union. Such a writ petition is not entertainable. The grievances of the writ petitioner is that the respondents one and two are attempting to allot contract to the third respondent. These



are all the administrative decision to be taken by the authorities competent and the Court cannot be interfered such a policy decision. If at all the petitioner Union is aggrieved, they are at liberty to approach the competent authorities as well as the Labour forum for the purpose of redressal of their grievance. Contrarily, the disputed facts cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India.

3.In this view of the matter, the petitioner is always at liberty to approach the authorities competent for the purpose of considering their cases in the manner known to law.

4.With these observations, the Writ Petition stands disposed of.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

To

- 1.The Joint Commissioner of Labour,
Office of the Joint Commissioner of Labour,
Madurai.
- 2.The Assistant Commissioner of Labour,
Office of the Assistant Commissioner of Labour,
Tirunelveli.

+1 CC to M/s D.Veerasekaran ,Advocate,in SR.No.26410.

W.P. (MD) .No.20095 of 2014

17.12.2020

(MK) CO

AP(11/01/2021) 2P 4C