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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5086 of 2019

The Coimbatore District, Textiles
Workers' Union,
Rep. by its General Secretary,
Tyagi N.G.R.Mahal,
2212, Trichy Road, Singanallur,
Coimbatore - 641 005.

...Petitioner

-Vs-

The Joint Commissioner of Labour &
Addl. Registrar of Trade Unions,
Dr.Balasundaram Road,
Coimbatore - 641 018.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned letter bearing Na.Ka.No.O.Mu.AA2/2972/18 dated 26.12.2018 issued by the respondent and quash the same and consequently direct the respondent herein to register the amendment to bye-laws of the petitioner union within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondent : Mr.S.Arumugam
Government Counsel

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. When the petitioner-union had sought for certain amendments to the bye-laws, pursuant to the decision of the General Body Meeting of the trade union on 18.03.2018, the first respondent herein had rejected the same on the ground that there were some litigations pending between the former District Secretary and the present office bearers of the trade union.



3. Under Regulation 15(1) of the Tamil Nadu Regulations under the Trade Unions Act, the Registrar, Trade Unions is empowered to alter the bye-laws of the trade union and the scope of such alteration is laid down thereunder. Rule 15(1) of the said regulation reads as follows:

15. (1) On receiving a copy of the alteration made in the rules of a trade union sent under sub-section (3) of section 28, the Registrar, after satisfying himself that the alteration has been made in the manner laid down by the rules of the trade union and is not inconsistent with any of the provisions of the Act, shall register the alteration in the entry relating to the trade union in the register of trade unions prescribed under regulation 4 and deliver to the Secretary of such trade union a copy of the alteration with a certificate appended thereto to the effect that the alteration has been duly registered by him.

4. A reading of the aforesaid regulation would indicate, all that the Registrar requires to do, when an application seeking for amendment of the bye-laws is made to him, is to satisfy himself as to whether the amendments have been made in accordance with the bye-laws of the trade union and that it is not inconsistent with any of the provisions of the Trade Unions Act.

5. In the instant case, the Registrar has overstepped his powers and had supplemented his own reasoning and rejected the request for amendment of bye-laws. Such powers are conspicuously absent under the regulations. While exercising his powers, the Registrar ought to have looked into the various amendments sought for by the petitioner-union and satisfy himself with regard to the fact as to whether it is inconsistent with any of the provisions of the Trade Unions Act and that it is consistent with the bye-laws of the trade union. Hence, the reason adopted by the Registrar by quoting the pendency of the litigations between the former office bearers and the present office bearers, as an impediment for amending the bye-laws, cannot be sustained.

6. In the result, the impugned order dated 26.12.2018 is quashed. Consequently, there shall be a direction to the respondent herein to register the amendment sought for by the petitioner-trade union in their minutes of the General Body Meeting, dated 18.03.2018, as circulated in their application dated 07.05.2018, as expeditiously as possible, in any event, within a period of four weeks from the date of receipt of a copy of this order.



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7. The Writ Petition stands allowed, accordingly. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

hvk/ata

To

The Joint Commissioner of Labour &
Addl. Registrar of Trade Unions,
Dr.Balasundaram Road,
Coimbatore - 641 018.

+1cc to Mr.K.M.Ramesh, Advocate SR. No.55810
+1cc to Government Pleader SR. No.56187

W.P.No.5086 of 2019

MG (CO)
PR (02/12/2021)