

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2021

CORAM :

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.7393 of 2020

and

W.M.P.No.8844 of 2020

M/s.Shasun Anna Paniyalar Sangam,
Reg No.2940 CNI / 163 / CDR,
Rep.by its Secretary Mr.G.Subramanian,
Kudikaadu, SIPCOT,
Cuddalore - 607 005.

... Petitioner

Vs.

1.Assistant Commissioner of Labour,
Dheepan Nagar, 1st Street,
Semmandalam, Cuddalore - 607 001.

2.Solara Active Pharma Science Ltd.,
Formerly known as M/s Strides Shasun Limited,
Rep.by its General Manager,
Kudikaadu, SIPCOT, Cuddalore - 607 005.

3.M/s.Shasun Thozhilaalar Vazhvurimai Sangam,
Rep.by its President,
Kudikaadu, SIPCOT, Cuddalore - 607 005.

... Respondents

PRAYER: The Writ Petition has been filed under Section 226 of the Constitution of India praying to grant Writ of Mandamus directing the 1st respondent to declare our sangam as recognized union to participate in the negotiations or entering into any settlements with 2nd respondent Management either under Section 13(1) or under Section 12(3) of Industrial Disputes Act regarding wages and other conditions of service along with the 3rd respondent.

For Petitioner : No appearance

For Respondents: Mr.V.Kadhirvelu
Special Government Pleader for R1
Mr.S.Ravindran, Standing Counsel
for M/s.S.Basheer Ahmed for R2
R3 - Not ready

O R D E R

This writ petition has been filed seeking a writ of mandamus directing the first respondent to declare the

petitioner Sangam as a recognized Union to participate in the negotiation or entering into any settlements with second respondent Management either under Section 13(1) or under Section 12(3) of Industrial Disputes Act along with the third respondent.

2. On a perusal of the report filed by the Assistant Commissioner of Labour as well as the affidavit filed on behalf of the first respondent, it is noted that pursuant to the direction issued by this Court in W.P.No.32360 of 2016 dated 19.01.2017, the first respondent conducted election of the Trade Union. In the election, the third respondent had secured 155 votes and the petitioner Sangam had secured 119 votes. Therefore, the third respondent was declared as recognized Union to participate in the negotiation and enter an agreement with the Management. Now that the petitioner again has come up with the prayer to recognize themselves as recognized Union and direct the Management to permit them to participate in the negotiation along with the third respondent.

3.It is well settled that the recognition of Union is not statutory. The petitioner cannot claim such a relief as a matter of right. Bearing in mind, the maintenance of industrial peace and harmony is important for development of the Country, Courts occasionally give a direction to the Commissioner of Labour to conduct elections and declare and recognize Unions. Therefore, the petitioner does not have any Statutory Right to maintain the above writ petition.

4.However, it is noted that the election was held on 14.06.2017 and tenure of elected recognized Union came to an end by 14.06.2019. If at all, the petitioner is aggrieved, can pursue his remedy in the direction of conducting fresh election and in such an event, the Commissioner of Labour, Labour Department, Government of Tamil Nadu, may take appropriate action.

5.Therefore, this petition does not merit any consideration and accordingly, writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Pns

To

1. Assistant Commissioner of Labour,
Dheepan Nagar, 1st Street,
Semmandalam, Cuddalore - 607 001.

2. The Commissioner of Labour
Labour Department
Government of Tamil Nadu
Chennai.

+1 CC to The Government Pleader sr 2765.

+1 CC to Ms. Varalakshmi, Advocate sr 2084.

W.P.No.7393 of 2020

UM(CO)
SP(09/02/2021)



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