



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.NO.22281 OF 2019

AND

WMP.NO.21577 OF 2019

C.W.E.Chennai Area M.E.S. National Workers Union,
represented by its General Secretary,
Mr.K.Devaraj,
having registered office at
No.7/3, Ganapathy Nagar,
II Street, Oragadam, Ambattur,
Chennai-600 053.

...Petitioner

vs.

1. Union of India rep. By
The Secretary,
Government of India,
Ministry of Defence,
South Block, Raisina Hills,
New Delhi-110 011.
2. The Engineer-in-Chief,
Military Engineer Services,
"Kashmir House", IHQ of MOD (Army),
Rajaji Marg, New Delhi-110 011.
3. The Director General (Pers),
Military Engineer Services,
"Kashmir House", IHQ of MOD (Army),
Rajaji Marg, New Delhi-110 011.
4. The Chief Engineer,
Military Engineering Services,
HQ-Chief Engineer, Southern Command,
Pune-411 001.
5. The Labour Welfare Commissioner (C),
Addle Dte Gen of MP-4(Civ),
Adjutant General's Branch,
IHQ of MOD (Army), West Block-III,
RK Puram, New Delhi-110 066.



WEB COPY

6. The Chief Engineer,
Military Engineer Services,
HQ-CE Chennai Zone,
Chennai-600 009.
7. The Commander Works Engineer,
Military Engineer Services,
Pallavan Salai, Chennai-600 002.
8. The Southern Region MES Employees Union,
Represented by its General Secretary,
Mr.N.Thirumalai,
having registered office at
No.76/9, Veerapillai Street,
S.C.Garden Post, Bangalore-560 042.
9. Military Engineer Services Employees Union,
CWE Chennai Area, Regd.No.387/TVR,
affiliated to BMS/BPMS vide Regd. N.261,
Rep by its General Secretary Mr.P.Jacobm
No.19, 4th Street, Malangananthapuram,
Pallavaram, Office at GE, St. Thomas Mount, Chennai-16.

...Respondents

(R9 impleaded vide order dated 20.07.2021
made in WMP.No.21931/2020 in W.P.No.22281/19)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the first respondent from granting recognition status to the Eighth respondent Union without proper verification of the Eighth respondent's Union registration in the State of Tamil Nadu and recognition documents.

For Petitioner : M/s.N.Fidelia

For Respondents : Mr.S.Muthusamy,
Additional Central Govt.
Standing Counsel
for R1 to R4, R6 and R7
Mr.A.Deivaigamani for R9



O R D E R

The apprehension of the petitioner is that the first respondent may grant the recognition of status to the eighth respondent Union, without proper verification of the registration of the eighth respondent Union in the State of Tamil Nadu.

2. It is needless to point out that whenever such status of recognition is granted to a particular Trade Union, by an employer, it would be appropriate to verify the registration particulars of such a Trade Union and accordingly, consider the grant of recognition.

3. In this background, the petitioner claims to have given a complaint/representation dated 08.04.2019 to the first respondent herein, which is said to be pending. In the light of the above observations, it would be appropriate to direct the first respondent to consider the petitioner's representation dated 08.04.2019 within a stipulated time, after giving due opportunity to the petitioner as well as the eighth respondent.

4. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 08.04.2019, after giving opportunity to the petitioner as well as the eighth respondent herein, to put forth their objections and pass appropriate orders on the petitioner's representation, after considering the objections of both the parties. The first respondent shall endeavour to complete the process of consideration of petitioner's representation at least within a period of three months from the date of receipt of objections from both the parties.

5. The writ petitioner stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

Jvm



To

1. The Secretary,
Government of India,
Ministry of Defence,
South Block, Raisina Hills,
New Delhi-110 011.
2. The Engineer-in-Chief,
Military Engineer Services,
"Kashmir House", IHQ of MOD (Army),
Rajaji Marg, New Delhi-110 011.
3. The Director General (Pers),
Military Engineer Services,
"Kashmir House", IHQ of MOD (Army),
Rajaji Marg, New Delhi-110 011.
4. The Chief Engineer,
Military Engineering Services,
HQ-Chief Engineer, Southern Command, Pune-411 001.
5. The Labour Welfare Commissioner (C),
Addl Dte Gen of MP-4(Civ),
Adjutant General's Branch,
IHQ of MOD (Army), West Block-III,
RK Puram, New Delhi-110 066.
6. The Chief Engineer,
Military Engineer Services,
HQ-CE Chennai Zone,
Chennai-600 009.
7. The Commander Works Engineer,
Military Engineer Services,
Pallavan Salai, Chennai-600 002.
8. The General Secretary,
The Southern Region MES Employees Union,
Mr.N.Thirumalai,
having registered office at
No.76/9, Veerapillai Street,
S.C.Garden Post, Bangalore-560 042.

+1cc to M/s.N.Fidelia, Advocate, S.R.No.40571
+2ccs to Mr.S.Muthusamy, Advocate, S.R.No.40603

W.P.No.22281 of 2019

SSD(CO)
RLP(24/09/2021)