



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.2.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.4024 OF 2022,
W.M.P.NO.4166 & 4167 OF 2022

1 Sasikumar
2 Sumathi
3 Kannan ... Petitioners

Vs.

1 The Additional Registrar Of
Trade Unions - No.1 Cum Deputy
Commissioner Of Labour No. 1, DMS Complex,
Teynampet Chennai 18
2 South India Cine Television Artistes And
Dubbing Artists Union (reg 1337 / Mds)
Represented by Its General Secretary,
No. 10 4th Street, Vijayaragavapuram,
Saligramam, Chennai-600 093.
3 The Returning Officer,
No. 10 4th Street, Vijayaragavapuram,
Saligramam, Chennai 93.
... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying for Writ of Mandamus Directing the 1st respondent to conduct the union Election by secret Ballot and supervise the Election to be scheduled on 24.02.2022 consequently rejecting the nominations filed by the contestants who were proposed by the members who are ineligible as per the Bye Law 17 - Aa of 2nd Respondent union.

For Petitioner : Mrs.Umamaheswari
For Ms.C.Shivasankari
For Respondent 1 : Mr.P. Balathandayutham,
Special Government Pleader



O R D E R

With the consent of parties, the main writ petition itself has been taken up for final disposal.

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2. Though several issues raised in the writ petition, the main issue raised in the writ petition is that the third respondent Returning officer has not scrutinised the eligibility of the members to cast their voting right in the ensuing election to be held on 24.2.2022.

3. After elaborate submissions made by the counsel appearing for the parties, the learned counsel appearing for the petitioner restricted his prayer only in respect of the allegation that one Sathish Kumar is not a eligible member to propose a candidate to contest in the election of the second respondent Union which according to the petitioner is against bylaw of the second respondent Union. Admittedly, the entire election process is completed and the election is to be held on 24.2.2022, the counsel appearing for the petitioner has agreed to approach the appropriate forum in respect of other allegations made in the affidavit.

4. Insofar as the allegation as against one Sathish Kumar that he is not a eligible member to propose a contestant in the election to be held on 24.2.2022, the Joint Commissioner of Labour appeared before this Court has given an undertaking that the said complaint will be enquired and take appropriate decision as per law.

5. The learned counsel appearing for the second respondent would submit that allegation of the writ petitioner is frivolous and the petitioner has approached this Court only at a final stage of the election since the election process has already been commenced and election is to be held on 24.2.2022.

6. Insofar as the issue which relates to allegation made against one Sathish Kumar is a matter of verification of records and the Joint Commissioner of Labour is directed to scrutinise the applications, verify the records including the terms and conditions of the bylaws, relevant rules, take appropriate decision today itself and communicate the same to the parties concerned. The second respondent also undertakes that they also extend their cooperation for the enquiry to be conducted by the Joint Commissioner of Labour. If there is no cooperation by the



parties concerned, the Joint Commissioner of Labour shall take appropriate decision in accordance with law. Insofar as the other issues are concerned, the learned counsel appearing for the petitioner has agreed to seek remedy before the appropriate forum.

7. The writ petition is disposed of with the above directions. No costs. W.M.P.No.4166 of 2022 is allowed with above liberty. W.M.P.No.4167 of 2022 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Additional Registrar of Trade Unions - No.1 Cum Deputy Commissioner Of Labour No. 1, DMS Complex, Teynampet Chennai 18.
- 2 The Returning Officer,
No. 10 4th Street, Vijayaragavapuram, Saligramam,
Chennai 93.
- 3 The Joint Commissioner of Labour,
Chennai -6.

Copy to

The General Secretary,
South India Cine Television Artistes And Dubbing Artists
Union, (Reg:1337/MDS)
No.10, 4th Street, Vijayaragavapuram, Saligramam,
Chennai-600 093.

+1cc to Ms.C.Shivasankari, Advocate, S.R.No.11912

W.P.No.4024 of 2022

GSM(CO)
PM/23/02/2022