

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29777 of 2017

K.Rajasekaran

... Petitioner

-vs-

1. The Deputy Labour Commissioner No. 1,
Labour Commissioner Office,
Theynempet,
Chennai - 600 018.
2. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider the Petitioner's representations dated 06.07.2017, 08.08.2017, 05.09.2017 and receive the 'E' form and to renew the Federation Registration No. 3020/CNI and consequently treat the federation as inforce to till date.

For Petitioner : No appearance

For Respondents: Mr. V.Jeevagiridharan,
Additional Government Pleader (for R1)

Mr. C.Gauthamaraj (for R2)

O R D E R

Heard Mr. V.Jeevagiridharan, Learned Additional Government Pleader appearing for the First Respondent and Mr. C.Gautamaraj, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the matter has been posted under the caption 'for dismissal', there was no representation for the Petitioner when the matter was called at 10.46 a.m. and 10.45 a.m. today, apart from the earlier hearing on 22.06.2022.

3. The Writ Petition has been filed for directing the First Respondent to consider the representations dated 06.07.2017, 08.08.2017 and 05.09.2017 made by the Petitioner to receive 'E' form and renew the Federation Registration No. 3020/CNI and to consequently treat the federation to in force as on date.

4. Learned Additional Government Pleader appearing for the Second Respondent states that the Trade Union, viz., Arasu Pokkuvarathu Matrum Pothu Thozhilalarkal Manitha Urimai Thozhirsangam, which has been registered as No. 3020/ CNI on 01.10.2004 by the First Respondent, had not submitted the annual returns in Form-E as stipulated in Section 28 of the Trade Union Act, 1926 (hereinafter referred to as 'the Act' for short), and Regulation 18 of the Tamil Nadu Regulations under the Act from its inception and that the show cause notice dated 23.09.2014 issued to the Petitioner by Registered Post had been returned unserved with postal endorsement 'addressee not known', as a consequence of which the registration of that Trade Union had been cancelled by order no. Ni. Mu. B3/ 3802/2014 dated 26.03.2015 under Section 10(b) of the Act. He has also filed a memo to that effect, which is placed on record.

4. It is also brought to notice that the Petitioner had filed another Writ Petition in W.P. No. 5504 of 2019 seeking the same relief which has also been dismissed by this Court by order dated 04.09.2020 and its copy has been produced.

5. In fine, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

skr

To

1. The Deputy Labour Commissioner No. 1,
Labour Commissioner Office,
Theyneppet,
Chennai - 600 018.
2. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

+1cc to the Government Pleader, S.R.No.38999

W.P. No. 29777 of 2017

RGN(CO)
UMA(05/07/2022)