



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P(MD).No.4009 of 2022

and

W.M.P(MD)Nos.3435 and 3436 of 2022

WEB COPY

Boiler Plant Employees Union/INTUC
Reg.No.3846/11155 represented by its
General Secretary P.Balasubramani,
1/292 A, Shanmuga Nagar,
Bharat Nagar, Poolangudi,
HAPP Post,
Tiruchirapalli-620 025.

... Petitioner

Vs.

1.The Deputy Commissioner of Labour,
Tiruchirapalli,
Sengulam Colony,
Mannarpuram,
Tiruchirapalli.

2.Bharat Heavy Electricals Limited/HR-IR/
Tiruchirapalli-620 014 represented by its
General Manager,
24, Building BHEL,
Tiruchirapalli.

3.R.Kalyana Kumar,
Staff No.2212544,
Boiler Plant Employees Union,
Tiruchirapalli-620 014.

4.M.Anthony Alex Thiraviyam,
Staff No.6016138,
Boiler Plant Employees Union,
Tiruchirapalli-620 014.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent in Na.Ka.No.A3/277/2022 dated 18.02.2022, quash the same and to direct the respondents 1 and 2 to register the list of office bearers as furnished by the petitioner union.



For Petitioners : Mr.S.K.Mani
For R1 : Mr.D.Sadiq Raja
Additional Government Pleader
For R3 : Mr.R.M.Makesh Kumaravel
For R4 : Mr.R.Vasantha Kumar

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ORDER

The order passed by the Joint Commissioner of Labour under the Trade Unions Act is under challenge in the present writ petition.

2.The Joint Commissioner of Labour adjudicated the dispute between the two groups of the Boiler Plant Employees Union/INTUC. However, the Joint Commissioner of Labour formed an opinion that the parties should amicably settle the issues between them. During the course of adjudication, there is a finding by the Joint Commissioner that the respondents 3 and 4 are holding majority members. The said finding is cited, as a grievance by the petitioner.

3.This Court is of the considered opinion that the dispute between the unions cannot be adjudicated in a writ proceedings. Such disputed issues are to be adjudicated in a trial commenced proceedings. Therefore, the parties are at liberty to approach the competent Court of law for adjudication of such issues.

4.However, the learned counsel for the petitioner made a submission that the petitioner will resolve the issue in the manner known to law. However, the respondents 3 and 4 are initiating steps to withdraw the substantial amount from the account of the Union, which would cause prejudice to the interest of the labours, who all are the members of the union.

5.The learned counsel for the respondents 3 and 4 raised an objection by stating that they have not taken any amount from the Bank and there is no such proposal at all.

6.In view of the fact that there is an apprehension on the part of the petitioner and in order to protect the interest of the parties, this Court is inclined to pass the following orders:-

(i)The order impugned dated 18.02.2022 passed by the Joint Commissioner of Labour is kept in abeyance for a period of eight weeks from today ie., 21.03.2022;

(ii)The petitioner and the respondents 3 and 4 are at liberty to approach the competent Court of law for redressal of their grievance and they are at liberty to file appropriate application seeking any other interim relief;



(iii) If the parties have not resorted to any such relief, then the impugned order will be in operation, after a lapse of eight weeks.

7. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Deputy Commissioner of Labour,
Tiruchirapalli,
Sengulam Colony,
Mannarpuram,
Tiruchirapalli.

+1 CC to M/s.R.VASANTHA KUMAR, Advocate (SR-13378[F] dated 22/03/2022)

+1 CC to M/s.R.M.MAKESH KUMARAVEL, Advocate (SR-13379[F] dated 22/03/2022)

+2 CC to M/s.S.K.MANI, Advocate (SR-13283[F] dated 21/03/2022)

+1 CC to M/s.SPL GP (SR-13454[F] dated 22/03/2022)

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