



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

WEB COPY

W.A(MD)No. 324 of 2022
and C.M.P.(MD) No. 3219 of 2022

R.Kalyana Kumar ... Appellant/3rd Respondent
Vs

1.Boiler Plant Employees Union, (INTUC),
Regn.No.3846/11155, Rep by its
General Secretary P.Balasubramani,
1/292A, Shanmuga Nagar, Bharath Nagar,
Poolangudi, HAPP Post,
Tiruchirappalli - 620 025. ... 1st Respondent/Petitioner

2.The Deputy Commissioner of Labour,
Tiruchirappalli, Senkulam Colony,
Mannarpuram, Tiruchirappalli.

3.The Bharat Heavy Electricals Ltd/HR-IR,
Tiruchirappalli - 625 014.
Rep. by its General Manager,
24, Building, BHEL, Tiruchirappalli.

4.Mr.Anthony Alex Thiraviyam ... Respondents 2 to 4/
Respondents 1,2 & 4

Writ Appeal filed under Clause 15 of the Letters Patent against
the order dated 21.03.2022 made in W.P.(MD) No. 4009 of 2022.

Prayer in WP(MD). 4009/ 2022 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court 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 ad furnished by the petitioner
union

For Appellant : Mr.R.M.Makesh Kumaravel

For Respondents : Mr.S.K.Mani for R1
Mr.K.Balasubramani,
Special Government Pleader
for R2
Mr.Raghuvaran Gopalan
For R3

JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

Challenge in this appeal is made to the order dated 21 March 2022 recorded on W.P(MD) No.4009 of 2022. This writ appeal is by the third /contesting respondent in the writ petition. The writ petitioner had challenged the order passed by the Joint Commissioner of Labour dated 18.02.2022. The request of the writ petitioner to register the list of office bearers as furnished by the petitioner union was rejected by the Joint Commissioner of Labour and that petition is also not entertained by the learned Single Judge.

2. Serious grievance is made on behalf of the appellant and from record it also transpires that, though the relief prayed for by the writ petitioner is not worth being granted, while relegating him to alternative remedy, learned Single Judge has stayed the said order for a period of eight weeks from 21.03.2022.

3. According to us, once learned Single Judge was of the view that, order under Challenge was not required to be interfered with, the said order ought not to have been put under abeyance.

4. Learned advocate for the writ petitioner has submitted that, the petitioner has already gone to the Civil Court. When the dispute is with regard to office bearers of the Trade Union, whether the writ petitioner could have gone to civil Court is also an issue, however the same need not be gone into this appeal.

5. That part of the order by which the writ petition is not entertained, need not be interfered with. However, further directions, in the facts of this case, according to us, were unwarranted and therefore the same needs to be and are set aside, with specific reference to para:6 of the order under challenge.

6. This writ appeal stands disposed of in above terms. No costs. Consequently, connected miscellaneous petition would not survive.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj



To:

The Deputy Commissioner of Labour,
Tiruchirappalli, Senkulam Colony,
Mannarpuram, Tiruchirappalli.

+1 CC to M/s.RAGUVARAN GOPALAN, Advocate (SR-22205[F] dated
28/04/2022)

+1 CC to M/s.R.M. MAKESH KUMARAVEL, Advocate (SR-21267[F] dated
26/04/2022)

+1 CC to M/s.SPL.GP. (SR-21843[F] dated 27/04/2022)

W.A(MD)No.324 of 2022
26.04.2022

MGJ(16.05.2022) 3P 5C