



W.P(MD)No.29096 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29096 of 2022

and

W.M.P.(MD)No.23070 of 2022

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... Petitioner

Vs.

1.The Regional Deputy Commissioner of Labour in Tamil Nadu,
Trichy Regional,
Trichy.

2.Indian National Trade Union Congress,
Trichy District INTUC Council,
No.56, 6th Street,
Raja Colony,
Trichy.

3.General Manager,
Human Resource Management,
Dalmia Cements,
Trichy.

4.Dalmia Cement National Workers Union,
Kallakkudi,
Trichy District.

5.K.Srither

6.Chandirasekar

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to prevent the 6th respondent from conducting Dalmia cement National Workers union office bearers election on 26.12.2022 or any other day unilaterally in pursuant to the orders dated 21.12.2022 passed by the 2nd respondent respectively and consequently, direct the respondents 1 to 5 to ensure that the 6th respondent shall not conduct any Election unilaterally at Dalmia Cement National Workers union, Kallakudi Trichy District.

For Petitioner : Mr.SB Kayvin Prince

For Respondents : Mr.G.Suriyananth
Additional Government Pleader for R1

ORDER

Heard the learned counsel appearing for the petitioner.

2. The petitioner questions the proposed election to be held to elect the office bearers of the petition mentioned trade union.

3. The petitioner's counsel reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. Since the Union in question is not a state instrumentality falling within Article 12 of the Constitution of India, invocation of the writ jurisdiction is not appropriate. I make it clear that I have not gone into the merits of the matter. Whatever other remedies to the writ petitioner may have, they can very well be explored.



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5. Leaving open the writ petitioner's other rights and remedies, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.12.2022

Index : Yes / No
Internet : Yes/ No
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To

The Regional Deputy Commissioner of Labour in Tamil Nadu,
Trichy Regional,
Trichy.



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G.R.SWAMINATHAN, J.

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