



WEB COPY



W.P.No.2037 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2037 of 2020

K.Karunakaran

... Petitioner

Vs.

1.The Joint Commissioner of Labour – II,
O/o.The Joint Commissioner of Labour – II,
DMS Compound, Teynampet,
Chennai – 600 006.

2.The District Collector,
O/o.Chengalpattu District Collector,
Chengalpattu.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in ref. ஆ2/4224/2019 dated 03.06.2019 and quash the same and consequently direct the first respondent to dispose the representation dated 15.09.2018 on merits.

For Petitioner : Mr.K.Karunakaran
Party – In – Person

For Respondents : Mr.M.S.Prem Kumar
Government Advocate



W.P.No.2037 of 2020

WEB COPY

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in ref. ஆ2/4224/2019 dated 03.06.2019 and quash the same and consequently direct the first respondent to dispose the representation dated 15.09.2018 on merits.

2.The case of the petitioner is that the petitioner was employed by the Binny Beach Engineering Company and some of the workers including the petitioner formed Binny Beach Engineering Workers Union. The petitioner was the Joint Secretary of the Union from the year 1993 to 2003. While so, a third party claimed that he is the office bearer of the Union and filed E – Form return during the year 2013 and also indulged in misappropriation. Hence, the petitioner made representation to the respondents to initiate action against the said third party, however, the first respondent directed the petitioner to file separate proceedings before the Court of law. Hence, this writ petition.

3.The petitioner appeared before this Court as Party – In –



W.P.No.2037 of 2020

Person and submitted that the petitioner and some workers filed A.S.No.119 of 2012 as against M/s.Binny Beach Engineering Workers Union, Chennai, represented by its Secretary Santhanakrishnan and others before the VII Additional City Civil Court at Chennai as against the judgment and decree dated 30.06.2009 passed in O.S.No.1789 of 2008 by the learned XI Assistant Judge, City Civil Court, Chennai and the said appeal suit was dismissed vide judgment dated 24.06.2015. Hence, this writ petition.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.Perusal of records reveal that O.S.No.1789 of 2008 was filed by the petitioner and others before the learned XI Assistant Judge, City Civil Court, Chennai seeking to dissolve M/s.Binny Beach Engineering Workers Union and as against the judgment and decree dated 30.06.2009 passed in O.S.No.1789 of 2008, the petitioner has filed A.S.No.119 of 2012 before the VII Additional City Civil Court at Chennai and the said appeal suit was dismissed vide judgment dated 24.06.2015. Hence, the petitioner ought to have preferred second appeal challenging the judgment made in A.S.No.119 of 2012,



W.P.No.2037 of 2020

however, the petitioner has filed this writ petition which is not sustainable one.

6.The writ petition is dismissed. However, liberty is granted to the petitioner to work out the remedy as against the judgment dated 24.06.2015 made in A.S.No.119 of 2012 by the VII Additional City Civil Court at Chennai. No costs.

26.07.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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W.P.No.2037 of 2020

M.DHANDAPANI,J.
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W.P.No.2037 of 2020

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