



W.P.No.21032 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21032 of 2011

and

M.P.No.1 of 2011

Rane Brake Lining Employees Union,
Regn.No.MDS/461,
Rep. by its General Secretary,
Plot No.30, Industrial Estate,
Ambattur, Chennai – 600 058.

.... Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Secretary,
Labour Department,
Fort St.George,
Chennai – 9.

2. Chief Inspector of Factories,
Government of Tamil Nadu,
Chepauk, Chennai – 600 005.

3. The Deputy Chief Inspector of Factories,
617, Bharath Kumar Bhavan,
Anna Salai, Chennai – 6.

4. The Joint Chief Inspector of Factories,
617, Bharath Kumar Bhavan,
Anna Salai, Chennai – 6.



W.P.No.21032 of 2011

5. The Commissioner of Labour,
DMS Compound, Teynampet,
Chennai – 600 006.

6. G.Jayapalan

.... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for WRIT OF MANDAMUS directing the respondents 1 to 5, not to entertain any representation from the 6th respondent based on his claim as if he is the General Secretary for the petitioner Union as long as the injunction granted in C.R.P.No.1859 and 1860 of 2007 dated 31.01.2008 which order had been sustained by the Hon'ble Supreme Court of India in C.C.No.11728-11729 of 2008 dated 05.09.2008 remains in force.

For Petitioner : No appearance

For R1 to R5 : Mr. M. Muthusamy
Government Advocate

ORDER

This Writ Petition has been filed for direction directing the respondents 1 to 5, not to entertain any representation from the 6th respondent based on his claim as if he is the General Secretary for the petitioner Union as long as the injunction granted in C.R.P.No.1859 and 1860 of 2007 dated 31.01.2008 which order had been sustained by the Hon'ble Supreme Court of India in C.C.No.11728-11729 of 2008 dated 05.09.2008 remains in force.

2. Heard the learned Government Advocate appearing for the



W.P.No.21032 of 2011

respondents 1 to 5. There is no representation for the petitioner.

Therefore, this Court is inclined to pass orders on merits in this writ petition.

3. The case of the petitioner is that the previous wage settlement expired on June 2010. The sixth respondent herein was formerly General Secretary of the petitioner Union having elected in the year 2005 and he lost the confidence of the majority of the workers who gave letter to the President of the Union to convene the General Body Meeting to consider the “no confidence motion” proposed against him. Accordingly, the sixth respondent was removed from the post of General Secretary from the petitioner Union. It was also informed to the Deputy Commissioner of Labour, by a communication dated 28.11.2005. It was not challenged by the sixth respondent. However, the management entertained the sixth respondent as if he is the General Secretary.

4. The petitioner Union filed a suit in O.S.No.614 of 2005 as against the sixth respondent for permanent injunction restraining the sixth respondent from posing himself as a General Secretary. However, the application seeking interim injunction filed by the petitioner Union was dismissed and the appeal was also dismissed. Aggrieved by the same, the petitioner Union filed Civil Revision Petition in C.R.P.No.1859 & 1860 of



W.P.No.21032 of 2011

2007 before this Court and the same was allowed. Aggrieved by the same, the sixth respondent preferred an appeal before the Hon'ble Supreme Court of India in SLP C.C.No.11728-11729 of 2008 and the same was dismissed and the order passed by this Court was confirmed.

5. In order to execute the order passed by this Court in C.R.P.No.1859 & 1860 of 2007, the petitioner Union filed this writ petition restraining the sixth respondent from submitting any representation and also seeking direction to the respondents 1 to 5 not to entertain any representation from the sixth respondent. Therefore, the writ petition lacks merits.

6. In view of the above, the direction sought for in this writ petition cannot be granted and the writ petition is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

17.09.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
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To
1. The Secretary,



W.P.No.21032 of 2011

Labour Department,
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Chennai – 9.

2. Chief Inspector of Factories,
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3. The Deputy Chief Inspector of Factories,
617, Bharath Kumar Bhavan,
Anna Salai, Chennai – 6.

4. The Joint Chief Inspector of Factories,
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5. The Commissioner of Labour,
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G.K.ILANTHIRAIYAN, J.

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W.P.No.21032 of 2011

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17.09.2023