



W.P.No.32983 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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Krishnagiri District National Engineering Employees Union
Branch Tnneco Automotiv India (Pvt) Ltd.,
Regn.No.52/DRP
Rep by its President
KAP Kalyana Mandabam
Kamaraj Colony
Near Government Girls Higher Secondary School
Hosur-635 109.

.. Petitioner

Vs.

1. Deputy Commissioner of Labour
(Registrar under Trade Unions Act)
Gorimedu
Salem-636 008.
2. The Labour Officer,
Sevatha Gounder Road,
Behind New Colombo Stores
Bengalur Road,
Krishnagiri 635 001.



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3. Management

TENNECO Automotive India (Pvt) Ltd
Plot No.122, SIPCOT Industrial Complex,
Phase I, Hosur 635 126.

4. TENNECO Automotive Thozhilalar Pudhu Nala Sangam
Rep by its Secretary
Plot No.122, SIPCOT Industrial Complex,
Phase I, Hosur 635 126.

5. TENNECO Automotive Thozhilalar Pudhu Munnetra Sangam
Rep by its Secretary
Plot No.122, SIPCOT Industrial Complex,
Phase I, Hosur 635 126.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue appropriate Writ, Orders or Directions and more particularly issue a Writ in the nature of Mandamus, directing the 1st and 2nd respondent to consider the representation of the petitioner dated 11.07.2017 submitted to verify the members of the 4th and 5th respondent and pass orders on the same on its merits and in accordance with law within the time stipulated by this Hon'ble Court.

For petitioner	: M/s.B.Balan Haridas
For Respondents	: Mr.Vijay R.Sekar
	for M/s. Kochhar & Co for R3.



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ORDER

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This Writ Petition has been filed for a direction to the 1st and 2nd respondents to consider the petitioner's representation dated 11.07.2017 seeking to verify the members of the 4th and 5th respondents and pass orders on merits within the time frame that may be stipulated by this Court.

2. The Petitioner Union is registered under the Trade Unions Act, 1926. The employees working in the 3rd respondent management were initially the members of the petitioner union and the petitioner union entered various settlements with the 3rd respondent management regarding the service conditions of the employees. While so, in the 2014, two New Unions were formed namely TENNECO Authomotive Thozhilalar Podhu Nala Sangam/4th respondent and TENNECO Authomotive Thozhilalar Munetra Sangam/5th respondent at the instance of the 3rd respondent with an intention to sideline the petitioner union which is holding the majority membership. Aggrieved by the same, the petitioner union has made a representation dated 11.07.2016 to the 1st and 2nd respondents seeking to verify the membership in the 4th and 5th respondents and delete the ineligible personnel. Since, no orders have been passed on his representation, the



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petitioner is before this Court.

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3. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the 1st Respondent to consider the petitioner's representation dated 11.07.2017 and pass appropriate orders on the same, within the time frame that may be stipulated by this Court.

4. On the above contention, this Court heard the learned counsel appearing for the 3rd respondent and perused the materials available on record.

5. In view of the limited relief sought for by the petitioner, this Court without expressing any opinion on the merits of the case, directs the 1st Respondent to consider the petitioner's representation dated 11.07.2017 and pass appropriate orders on the same in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner as well as the 4th and 5th respondents.



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6. This Writ Petition stands disposed of with the aforesaid direction.

There shall be no order as to costs.

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NHS

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

To

1. Deputy Commissioner of Labour
(Registrar under Trade Unions Act)
Gorimedu
Salem-636 008.

2. The Labour Officer,
Sevatha Gounder Road,
Behind New Colombo Stores
Bengalur Road,
Krishnagiri 635 001.

M.DHANDAPANI, J.

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