



W.P(MD)No.6155 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6155 of 2023

V.Arockiasamy

... Petitioner

Vs.

1.The Joint Commissioner of Labour,
Office of the Joint Commissioner of Labour,
Bharathi Ula Salai, Madurai – 625 002.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Karaikudi.

4.M.Pachamal

5.V.Murugan

6.S.Vincent Amaladoss

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 from preventing the respondents 4 to 6 from acting



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as office bearers of Labour Progressive Front of Tamil Nadu Transport Corporation Reg.No.66/PPN Karaikudi Region.

For Petitioner : Mr.M.V.Venkataseshen, Senior Counsel,
For Mr.M.R.Pandurangan.

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1.
Mr.K.Jagadeesbalan,
Standing Counsel for R2 & R3.
Mr.K.Jeyamohan for R4 to R6.

ORDER

Heard the learned senior counsel for the writ petitioner, the learned Special Government Pleader for the first respondent, the learned standing counsel for the respondents 2 and 3 and the learned counsel for the respondents 4 to 6.

2.The case on hand involves the election held for electing the Office-Bearers of TNSTC Labour Progressive Front, Karaikudi Region. The writ petitioner as well as the private respondents are members of the said trade union. The election was held on 21.07.2022. The allegation of the petitioner is that the election was not conducted properly and that the



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election results will have to be nullified. This writ petition has therefore been filed for directing the management to prevent the private respondents from acting as Office-Bearers of TNSTC Labour Progressive Front, Karaikudi Region.

3.The petitioner and two others earlier filed W.P.(MD)No.19742 of 2022 for directing the statutory authority to declare the results as null and void. This Court vide order dated 26.08.2022 directed the authority to hold an enquiry and pass final order after hearing the stakeholders. Pursuant to the direction given by this Court, the first respondent passed an order dated 09.02.2023. The first respondent, even while rendering findings in favour of the writ petitioner and going to the extent of determining that the election has not been validly conducted, concluded by directing the parties to go before the jurisdictional Civil Court for relief. This writ petition has been filed in this background.

4.It appears that the first respondent cannot decide an election dispute. At the same time the respondent corporation through its standing counsel clarified in writing that it would keep its hands off. In



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other words, the management would not recognize the private respondents and others as the Officer-Bearers of TNSTC Labour Progressive Front, Karaikudi Region. At the same time, it has also been stated that they are also not taking any negative stand against them. In these circumstances, the parties will have to necessarily go before the jurisdictional Civil Court for getting appropriate declaration. It is open to either of the parties to move the jurisdictional Civil Court. If any interim application is filed, the same will be disposed of on merits and in accordance with law within a period of four weeks from the date of such filing.

5.The writ petition is disposed of by recording the stand of the management. No costs.

18.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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The Joint Commissioner of Labour,
Office of the Joint Commissioner of Labour,
Bharathi Ula Salai, Madurai – 625 002.



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G.R.SWAMINATHAN, J.

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