



W.P(MD)No.10868 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10868 of 2023

and

W.M.P.(MD)Nos.9527 and 9529 of 2023

Maruthupandiyar Transport Corporation
Labour Progressive Front,
Karaikudi Region,
Rep. by its General Secretary,
M.Pachammal.

... Petitioner

Vs.

- 1.The Joint Commissioner of Labour,
Office of Joint Commissioner of Labour,
Bharathi Ula Veedhi, Madurai – 625 002.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam, Thanjavur District.
- 3.The General Manager,
Tamil Nadu State Transport Corporation,
Karaikudi, Sivagangai District.
- 4.Labour Progressive Federation,
Represented by its General Secretary,
Having Office at
25, Thiyagarajar Street,
North Usman Road,
Chennai – 600 017.



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5.V.Arockiasamy

6.M.Pandi

7.M.Peter Raja

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 09.02.2023 on the file of the 1st respondent and quash the same in respect of the findings given against the conduct of election of Petitioner Union that took place on 20.07.2022 as illegal.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the first respondent.



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2.An election dispute arose between the petitioner on the one hand and the private respondents on the other. The private respondents had earlier filed W.P.(MD)No.19742 of 2022 before this Court. This Court vide order dated 25.08.2022 directed the first respondent herein to pass order on the representation. Pursuant to the direction given by this Court, the first respondent passed the impugned order calling upon the parties to move the jurisdictional Civil Court. However while doing so, some adverse findings appear to have been given against the writ petitioner. For vacating the said findings, the present writ petition has been filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.Since the effect of the impugned order is to direct the parties concerned to work out the rights before the jurisdictional Civil Court, the petitioner is not really prejudiced by the observations made in the impugned order. I make it clear that when the concerned parties move



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the jurisdictional Civil Court, the jurisdictional Civil Court will decide the issue based on the evidence adduced before it and the observations made in the impugned order will not be binding on the Civil Court. In other words, the jurisdictional Civil Court will decide *lis* between the parties de-hors the findings set out in the impugned order.

5.This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

01.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Joint Commissioner of Labour,
Office of Joint Commissioner of Labour,
Bharathi Ula Veedhi, Madurai – 625 002.



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G.R.SWAMINATHAN, J.

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