



W.P.(MD) No.13597 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.13597 of 2020
and WMP(MD) Nos.11320 and 11321 of 2020

Boiler Plant Dr.Ambedkar Employees Union,
(Regn. No.857/90)
Rep. by its General Secretary
BHEL, Kailasapuram
Tiruchirappalli 620014

... Petitioner

-VS-

1.The Assistant Commissioner of Labour
(Conciliation)
Trichirappalli.

2.The Additional Registrar of Trade Union,
Deputy Commissioner of Labour,
Trichirappalli

3.The Deputy Commissioner of Labour (Conciliation)
Trichirappalli.

4.BHEL Dr.Ambedkar Workers Union,
Rep. by its General Secretary
BHEL, Kailasapuram
Tiruchirappalli. 620014

... Respondents



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Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned order passed by the 2nd respondent in No.1470/TPI dated 22.07.2020 registering the 4th respondent as a Trade Union and quash the same.

For Petitioner :Mr.R.Subramanian
For Respondents :Mr.S.P.Maharajan for R1 to R3
Special Government Pleader
Mr.C.Jeganathan for R4

ORDER

The petitioner has filed this writ petition challenging the impugned order of the 2nd respondent dated 22.07.2020.

2. The case of the petitioner in nutshell is as follows:

The petitioner is a trade union registered in the year 1990. The name of the petitioner trade union is “Boiler Plant Dr.Ambedkar Employees Union”. The 4th respondent made an application for registration of trade union before the first respondent in similar name to that of the petitioner's union. The first respondent also registered the same contrary to Section 7 of



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the Trade Unions Act (hereinafter referred to as 'the Act'), challenging which, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that as per the procedure contemplated for registration of the trade union, if the trade union is similar to that of any other union, the first respondent ought to have conducted enquiry in terms of Section 7 of the said Act. However, without conducting any enquiry under Section 7 of the Act, the first respondent mechanically issued a certificate in favour of the 4th respondent, which is unsustainable and in violation of the Act and prays for interference.

4. The learned counsel for the 4th respondent would submit that even on a bare perusal of the name of the trade union, it appears that both unions are not one and the same and both are different. He would further submit that the name of the petitioner's trade Union is "Boiler Plant Dr.Ambedkar Employees Union", whereas, the name of the fourth respondent is "BHEL Dr.Ambedkar Workers Union" and there is no similarity. His further contention is that the objections raised by the



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petitioner was properly considered and thereafter only, the order was passed and hence, the impugned order is sustainable.

5. Heard the learned counsel for both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and considering the submission made by both sides, this Court is of the view that if any opinion is given in the writ petition, it will adversely affect the interest of both the petitioner as well as the fourth respondent unions. Further, the issue arises in the writ petition is with regard to the registration of the trade union, particularly with regard to similar names, which is a disputed question of fact and that cannot be gone into or decided by this Court under Article 226 of the Constitution of India. Hence, without rendering any finding, this Court is inclined to grant liberty to the petitioner to approach the competent civil Court for appropriate remedy. It is made clear the trial Court is directed to decide the issue raised by the petitioner and the fourth respondent on merits and in accordance with law, without



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being influenced by any of the observations made in the writ petition. The writ petition is dismissed with the above liberty. No costs. Consequently connected Miscellaneous Petitions are closed.

23.01.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

RR

To

1.The Assistant Commissioner of Labour
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Trichirappalli

3.The Deputy Commissioner of Labour (Conciliation)
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M.DHANDAPANI, J.

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