



W.P(MD)No.18557 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.10.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18557 of 2023

V.Murugan

... Petitioner

Vs.

1.The Joint Commissioner of Labour,
Joint Commissioner of Labour Office,
Madurai.

2.Pachammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to declare as a null and void the new amended bye-law, dated 05.04.2023 on the base of the petitioner's representation, dated 19.07.2023 within a stipulated period of time fixed by this Court.

For Petitioner : Mr.K.Gokul

For R1 : Mr.T.Villavan Kothai
Additional Government Pleader

For R2 : Mr.K.Jeyamohan



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ORDER

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The present writ petition has been filed by the President of a Trade Union seeking a prayer as against the 1st respondent to declare as null and void the newly amended bye-laws, dated 05.04.2023 on the basis of the petitioner's representation, dated 19.07.2023.

2. When the writ petition was taken up for final hearing, the learned counsel appearing for the 2nd respondent brought to the notice of the Court that the amended bye-laws were placed before the 1st respondent herein for his approval and he has already passed an order on 10.07.2023 approving the amendments passed by the Trade Union. However, the learned counsel appearing for the writ petitioner submitted that without properly convening the general body meeting, these resolutions have been passed and therefore, the amendment of bye-laws should be declared as null and void. However, the learned counsel for the 2nd respondent contended that the writ petitioner has also participated in the general body meeting and he has also consented for the amendment of bye-laws.



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3. The extraction of the submissions made on either side will clearly reveal that there is a factional dispute within Trade Union which could not be resolved in the writ petition. In fact, the 1st respondent has already passed orders approving the amendments made in the bye-laws on 10.07.2023. Therefore, nothing survives to be adjudicated in the present writ petition. If there is an appeal provision under the trade unions Act, the writ petitioner is at liberty to approach the appellate authority or he can approach the competent Civil Court challenging the amendments.

4. With the above said observations, this Writ Petition stands disposed of. No costs.

03.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
The Joint Commissioner of Labour,
Joint Commissioner of Labour Office,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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