



WEB COPY



WP.Nos.6211 of 2013 & 31465 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.Nos.6211 of 2013 & 31465 of 2012

WP.No.6211 of 2013

G.Velmurugan

... Petitioner

Vs.

1. Registrar of Trade Unions/
Deputy Commercial of Labour,
Labour Welfare Board,
Teynampet (DMS),
Chennai-600 006.
2. Shasan Thozhilalar Vazhurimai Sangam,
Rep. by Secretary S.Kasinathan
Sipcot Complex,
Kudikadu, Cuddalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 1st respondent order in Aa2/5007/12 dated 26.12.2012 and quash the same and consequently direct the respondents not to allot the registration No.31 S.A.V Dit I.C.No.3/30/304 of the petitioner Trade Union to any other person.



WEB COPY



WP.Nos.6211 of 2013 & 31465 of 2012

For Petitioner : Mr.K.Balu

For Respondents : Mr.T.Chandrasekar
Special Government Pleader for R1
Mr.R.Muralidharan for R2

WP.No.31465 of 2012

Shasan Pattali Thozhircangam
Register No.31 S.A.V.Dit, I.C.No.3/30/304
Rep. by its Secretary G.Velmurugan
Sipcot Complex, Kudikadu,
Cuddalore.

... Petitioner

Vs.

1. Registrar of Trade Unions/
Deputy Commissioner of Labour-II,
Labour Welfare Board,
Teynampet (DMS),
Chennai-600 006.
2. Kuppusamy
(R2 impleaded vide order dated 01.03.2013
made in MP.No.2/2012)

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondent not to allot the registration No.31 S.A.V. Dit. I.C.No.3/30/304 of the petitioner Trade Union to any other person/Group.

For Petitioner : Mr.K.Balu

For Respondents : Mr.T.Chandrasekar
Special Government Pleader for R1
R2-No Appearance

COMMON ORDER



WP.Nos.6211 of 2013 & 31465 of 2012

WEB COPY

WP.No.31465 of 2012 has been filed to direct the respondents not to allot registration number of the petitioner Trade Union to any other person. While such writ petition was pending, the then Secretary of Shasan Thozhilalar Vazhurimai Sangam has instituted another writ petition in WP.No.6211 of 2013. The issue revolves around in both the writ petitions are in respect of assignment of registration number, and change of name of the Trade Union.

2. On perusal of the affidavit in WP.No.6211 of 2013, it is the case of the petitioner that during the pendency of WP.No.31465 of 2012, the registration No.31 S.A.V Dit I.C.No.3/30/304 of the petitioner Trade Union was assigned to one Shasan Thozhilalar Vazhurimai Sangam represented by its Secretary Mr.Kasinathan. It appears that such assignment was objected by the present writ petitioner Mr.G.Velmurugan. However, the Deputy Commissioner of Labour vide impugned order dated 26.12.2012 has rejected the objection made by the petitioner.

3. It is pertinent to mention here that, the subsequent writ petition has been filed against the refusal to consider the objection made by the petitioner. In this regard, it is appropriate to refer Section 11 of The Trade Unions Act. For ready reference, Section 11(1) of the Trade Unions Act is extracted



WP.Nos.6211 of 2013 & 31465 of 2012

hereunder:-

WEB COPY

“11. Appeal

(1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal—

(a) where the head office of the Trade Union is situated within the limits of a Presidency town to the High Court, or

(aa) where the head office is situated in an area, falling within the jurisdiction of a Labour Court or an Industrial Tribunal, to that Court or Tribunal, as the case may be;

(b) where the head office is situated in any area, to such Court, not inferior to the Court of an additional or assistant Judge of a principal Civil Court of original jurisdiction, as the appropriate Government may appoint in this behalf for that area.”

4. From the perusal of the above Section, it is amply clear that there is an appeal remedy provided under Trade Unions Act. According to the above Section, if the Head Office of the Trade Union is situated within the jurisdiction of the Industrial Tribunal or Labour Court, then the appeal has to be instituted only before such Labour Court against the order of the Deputy Labour Commissioner. Apart from that, the issue involved is disputed fact and the same requires recording of evidence, which cannot be done before the Writ Court. Therefore, this Court is of the firm view that when there is an alternate remedy available by way of an appeal under Section 11 of the Trade Unions



WP.Nos.6211 of 2013 & 31465 of 2012

Act, this Court is not inclined to entertain the instant writ petitions. Hence, both the writ petitions are liable to be dismissed. However, the petitioners are at liberty to approach appropriate forum according to law and are at liberty to take all the defences. In the event of approaching the appropriate forum, the period during which the instant writ petitions are pending may be condoned by invoking Article 14 of The Limitation Act and the concerned forum is directed to dispose of the matter in accordance with law, without being influenced any of the observations made in these writ petitions.

5. In the result, these writ petitions are dismissed. No costs.

30.07.2024

kmi

Index : Yes /No

Speaking order : Yes/No

Neutral Citation : Yes/No



WEB COPY



WP.Nos.6211 of 2013 & 31465 of 2012

C.KUMARAPPAN, J.

kmi

To
Registrar of Trade Unions/
Deputy Commercial of Labour,
Labour Welfare Board,
Teynampet (DMS),
Chennai-600 006.

WP.Nos.6211 of 2013 &
31465 of 2012

30.07.2024