



WEB COPY

W.A.No.3387 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3387 of 2024

Avadi Thin Oorthi Thozhilaga Thozhilalar Munnetra Sangam
(Regd.No.CPT/654)
Represented by General Secretary Mr.I.Selvaraj,
HVF Avadi, Chennai – 600 054.

...Appellant

Vs.

- 1.The Directorate of Defence (Coordination and service)
Rep. by its Secretary,
Ministry of Defence,
Government of India,
10A, SK Bose Road, Kolkatta.
- 2.The Chief General Manager,
HVF, Avadi, Chennai – 600 054.
- 3.The General Manager, IMS and STORES
HVF, Avadi, Chennai – 600 054.
- 4.The Election Returning Officer
(Works Committee and Canteen Committee)
HVF, Avadi, Chennai – 600 054.
- 5.The Labour Welfare Officer (HVF)
HVF, Avadi, Chennai – 600 054.

...Respondents



Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 08.08.2023 passed in W.P.No.25122 of 2022.

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For Appellant : Mr.B.K.Girish Neelakantan

For Respondents : Mr.M.Karthikeyan,
Special Panel Counsel

J U D G M E N T

(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

The appeal is directed against the order of the writ Court made in W.P.Nos.25122 and 24935 of 2022.

2. The petitioner, in W.P.No.25122 of 2022, a Trade Union, is the appellant. The grievance of the appellant is that the directions of the Hon'ble Supreme Court in respect of conduct of election by dividing the factory into different constituencies, in the event, none of the labour Unions have more than 50% strength has not been followed properly.

3. The challenge in the writ petition was only to the notification dated 30.08.2022. It is not in dispute that the election pursuant to the said



notification have been held and results have also been published. Therefore, nothing survives in the challenge as of today.

4. Mr.B.K.Girish Neelakantan, learned counsel appearing for the appellant would however contend that in future at least 5th respondent viz., the Labour Welfare Officer should be directed to decide the question as to whether any one of the Unions in the 2nd respondent Factory have got more than 50% membership or not.

5. The said issue does not arise in the writ petition, in any event it will be open to the appellant to move the 5th respondent for decision on the question, in the manner known to law.

6. This writ appeal is therefore **dismissed**. No costs.

(R.S.M., J.) (C.K., J.)
21.11.2024

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Index : No
Internet : Yes
Neutral Citation : No

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Speaking order

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To

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- 2.The Chief General Manager,
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- 3.The General Manager, IMS and STORES
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and
C.KUMARAPPAN, J.

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