



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.16306 of 2024
and WMP.No.17843 of 2024

Sathish Kumar V

...

Petitioner

Vs

1. L.George (Retd)
2. R.Ravichandran
3. V.Baskaran
4. Deepak
5. The Regional Executive Director,
Airports Authority of India
Regional Headquarters,
Southern Region, Chennai-16.

6. The Airport Director,
Airports Authority of India,
Chennai International Airport,
Chennai-16.

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 5th and 6th respondents to annul the nomination filed by the first respondent and further direct the respondents 5 and 6 to refrain from holding talks related to the affairs of the AAEU with the first respondent.



For Petitioner : Mr.Aswin Prasanna A.S.
For Respondent : Ms.A.Arul Mary for RR5 & 6
Mr.Balan Haridas for RR1,2 and 4
R3 – No appearance

ORDER

This petition has been filed seeking a direction to the 5th and 6th respondents to annul the nomination filed by the first respondent and further direct the respondents 5 and 6 to refrain from holding talks related to the affairs of the AAEU with the first respondent.

2. It is the case of the petitioner that he is a member of the Airports Authority Employees Union and contesting candidate for the post of Regional Secretary-Metro, AAEU, Chennai election 2024. The Airport Authority Employees Union is registered under the Trade Union Act, 1926. As per clause 15(2)(c) of the Constitution of AAEU, the tenure of the elected branch executive committee will be two years. The last election to the AAEU, Chennai Branch happened in the year 2017 and the next election should have been conducted in 2019 after two years tenure, but the 2017 elected office bearers like that of the first respondent has been holding the post till date. In this regard, the petitioner has sent several E-mails to the



respondents 3 & 4 to take action regarding the status of the honorary membership of the first respondent. /the 2024 election schedule was announced on 24.05.2024 without following the mandates of the circulars issued by the 4th respondent. In such circumstances, the petitioner has filed the present writ petition seeking a direction to the 5th and 6th respondents to annul the nomination filed by the first respondent and further direct the respondents 5 and 6 to refrain from holding talks related to the affairs of the AAEU with the first respondent.

3. The learned counsel for the petitioner submitted that though this Court passed an interim order, allow the respondent to conduct election, but the result not be declared till the next date of hearing. However, the first respondent is continuing to participate in elections despite having ceased to be a member of the Airports Authority Employees Union and the official respondents have also allowed him to participate in elections. On the sole ground the petitioner has filed this writ petition.

4. The learned Standing Counsel appearing for the respondents 5



WEB COPY

& 6 submitted that the ground raised by the writ petitioners are frivolous and untenable. The AAI is not party to the decision taken by the first respondent or to the circulars issued for deferment of election to General Body and AAI is not connected in any way with the action of the first respondent. The unions are dealt with only in accordance with the principles of recognition as per the statutes. To annul the nomination of the first respondent, is not within the purview of the AAI. As already permitted, the election was over on 21.06.2024. However, the counting could not proceed. This Court may pass appropriate order on merits.

5. The learned counsel for the private respondent submitted that the first respondent is one of the member who has retired, the writ petitioner has raised question whether the retire member can be a part of the union. As per clause 6 of the Constitution of AAEU, a retired member can always be a part of the Union and hence the same is permitted by the above clause of the constitution. Hence, the writ petition filed by the petition is not maintainable and the same is liable to be dismissed.



6. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

7. Considering the fact that once the election is started, this Court cannot interfere with the election process. If the petitioner has any grievance, he has to file an election petition before the appropriate forum. In the present case, the petitioner had made allegation as against the first respondent for disqualification. The individual dispute can be settled only before the Civil Court and not before this Court. The said fact has already fell for consideration before the Hon'ble Division Bench of this Court in W.A.No.1400 of 2008 wherein this Court has elaborately discussed the said issued and held that *all disputes relating to holding of election of such incorporated bodies, which are nothing but private bodies, cannot be challenged before the writ Court. If there are are disputes between the parties over such election, those disputes can be challenged, if so advised, before the appropriate civil court. Since we are of the view that the writ petition itself is not maintainable, this Court is of the opinion that no order can be passed in the writ petition on*



WEB COPY

the dispute relating to the election of such Trade Union. It may be noted in this connection that these private bodies are not enforcing any statutory direction by filing such writ petitions inasmuch in the State of Tamil Nadu, there is no law relating to grant of recognition to a Trade Unions. These matters are covered by general law and as such, the dispute in this regard should be settled by civil Court.

8. In view of the above settled position of law, the writ petition is devoid of merits and the same is liable to be dismissed. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs. However, the petitioner is at liberty to work out his remedy by way of filing an election petition before the appropriate forum in the manner known to law.

27.08.2024

rli

Index:Yes/No

Internet:Yes/No

Speaking/Non speaking



WEB COPY

To

5. The Regional Executive Director,
Airports Authority of India
Regional Headquarters,
Southern Region, Chennai-16.

6. The Airport Director,
Airports Authority of India,
Chennai International Airport,
Chennai-16.



WEB COPY



M.DHANDAPANI, J.

Rli

WP.No.16306 of 2024

27.08.2024