



W.P(MD)No.6525 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.6525 of 2019

and

W.M.P.(MD)Nos.5212 & 5213 of 2019

Kanyakumari Mavattaa Puratchihara Kattumana
& Pothu Thozhilalar Sangam,

(கன்னியாகுமரி மாவட்ட புரட்சிகர கட்டுமான
மற்றும் பொது தொழிலாளர் சங்கம்)

7/61G, Ice Plant Road,
Ottapanavilai, Reethapuram Post,
Kanyakumari District,
Rep. by its President,
S.M.Anthony Muthu

... Petitioner

Vs.

1.The Registrar of Trade Union,
No.1, DMS Complex,
Teynampet, Chennai.

2.The Deputy Commissioner of Labour,
Maharajan Nagar, Palayamkottai,
Tirunelveli-2.

3.The Labour Officer,
(Social Security Scheme),
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the 3rd respondent vide Na.Ka.No.785/12, dated 23.08.2012 and quash the same.



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For Petitioner : Mr.C.T.Perumal
For Respondents : Mr.P.Thambidurai,
Government Advocate

ORDER

Challenge has been made to the order of the 3rd respondent dated 23.08.2012, where the operation of the petitioner trade union has been suspended on the ground that the petitioner trade union has forwarded the forged documents, which are collected from its one of the employees, namely, Rejila.

2.It is the case of the petitioner trade union that the said trade union was registered before the 1st respondent through the 2nd respondent on 30.11.2006. The construction workers and workers of unorganized sector are all eligible to be the members of the petitioner trade union and the members of the trade union are eligible for the benefits provided by the Tamil Nadu Construction Workers Welfare Board and Tamil Nadu Manual Workers Social Security and Welfare Board. While being so, one Rejila, who is one of the members of the petitioner trade union, approached the petitioner trade union for the purpose of maternity benefit, since she gave birth to a child by producing medical certificate and also birth certificate of the child. The petitioner trade



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union forwarded the same to the 3rd respondent for appropriate action. On verification of the said documents, the 3rd respondent has found that the documents submitted by the said Rejila were forged and hence, passed the impugned order.

3.The learned counsel appearing for the petitioner would submit that since each and every member of the petitioner trade union is uneducated, they are not aware as to how to approach the Government to get benefits. Therefore, the petitioner trade union will collect the documents of the members and forward the same to the authorities concerned for appropriate action. While collecting the particulars, if any wrong particulars are given, the petitioner trade union is not responsible for the same, for which, those member can only be punished. In the present case, immediately when the petitioner trade union came to know about the furnishing of the forged document, they removed the said Rejila from the membership. Therefore, there is no fault on the part of the petitioner. Since the suspension has been continuing for the past 12 years, they are not in a position to provide service to the members and the members are also suffering without getting any benefits. Ultimately, the object of the trade union is defeated. Hence, he seeks indulgence of this Court to set aside the suspension order of the 3rd respondent.



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petitioner trade union. In the present case, the petitioner trade union has removed the said Rejila from the membership of the petitioner trade union. Therefore, the maximum action on the part of the petitioner trade union has been taken to protect the interest of the trade union.

7.It is to be noted that in view of the suspension order passed by the 3rd respondent, the petitioner trade union are not in a position to provide any service to its members for the past 12 years and the ultimate sufferers are the members of the petitioner trade union. Therefore, they made several representations to the 3rd respondent to revoke the suspension order. However, the same have not been considered so far by the 3rd respondent.

8.In such view of the matter, this Court feels that there is no merit in the order impugned herein and therefore, the same is liable to be set aside, accordingly, it is set aside. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

22.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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KRISHNAN RAMASAMY, J

Yuva

To

- 1.The Registrar of Trade Union,
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