



WEB COPY



W.P.No.38832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.38832 of 2024

and

W.M.P.Nos.42039 & 42040 of 2024

I.Selvaraj

... Petitioner

Vs

1. The Commissioner of Labour,
having office at DMS Complex,
Teynampet, Chennai - 600 006.
2. The Joint Commissioner of Labour-2
(Additional charge)
having office at DMS Complex,
Teynampet, Chennai - 600 006.
3. L.Ratchaga Raja

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the entire records which culminated in passing the order in Aa 2/3892/2021 dated 23.07.2024 on the file of the second respondent, quash the same and directed the first respondent to conduct fair enquiry based on petitioner representation dated 07.08.2024 and accept the petitioner union E forms.



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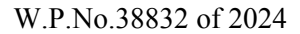
For Petitioner : Mr.S.B.K.Girish Neelakantan

For R1 & R2 : Mr.K.Tamilvendhan
Government Advocate

ORDER

This writ petition is filed challenging the order dated 23.07.2024 passed by the second respondent, which rejected the E form submitted by the petitioner namely I. Selvaraj and accepted the E form that was filed by the rival group consisting of T.K.S.Elangovan, President, L.Ratchaga Raja, General Secretary and Gnanamani, the Treasurer. The said L.Ratchaga Raja, General Secretary is also arrayed as third respondent in the writ petition.

2. The learned counsel appearing on behalf of the petitioner by relying upon the judgement of the High Court of Chhattisgarh in ***P.K.Ray & another –vs- State of Chhattisgarh, through Secretary, Labour Department and others reported in CDJ 2022 Ch HC 212*** would submit that these are the matters that should be decided by the appropriate statutory authorities and the authorities ought to have seen that on the earlier occasion, it is the petitioner's



interfered.

the material records of the case.

conducted or whether the expulsion of one person was proper or not.

judgment and decree dated 14.07.2023, the Civil Court has dismissed the suit,



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as against which the petitioner has filed an appeal in A.S.No. 51 of 2023

which is pending on the file of the Sub Court, Poonamalle.

6. In that view of the matter, when the petitioner had approached the Civil Court and the Civil Court has decided the issues between the parties, the second respondent has rightly accepted the E form from the third respondent and rejected that of the petitioner. The petitioner can very well pursue the remedy of the first appeal which is pending. Even if the petitioner wants any interim order that the E form filed by the other side should not be accepted, he has to move such an application only in the pending appeal and the Court will consider the same based on the prima facie case made out by the petitioner.

7. As on date, the finding of the Trial Court is against the petitioner and only the appeal is pending. Therefore, the second respondent has rightly decided to accept the E Form filed by the third respondent and reject the one which is filed by the petitioner. Reserving the liberty to raise all the grounds and to establish that the petitioner is only the lawful office bearer and the



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third respondent and others are not the lawful office bearers and that they were expelled from the Union before the competent Civil Court.

Accordingly, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

02.01.2025

Neutral Citation: Yes/No
nsl

To

1. The Commissioner of Labour,
having office at DMS Complex,
Teynampet, Chennai - 600 006.
2. The Joint Commissioner of Labour-2
(Additional charge)
having office at DMS Complex,
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D.BHARATHA CHAKRAVARTHY, J.

nsI

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