

(2012) 03 MAD CK 0041

In the Madras High Court

Case No : Writ Petition No. 8476 of 2012 and M.P. No's. 1 and 2 of 2012

NLC Workers' Solidarity Union (affiliated to Democratic Trade Union Centre)

APPELLANT

Vs

The Chairman and Managing Director Corporate Office NLC Limited Block No. 1, Neyveli 607801 and Others

RESPONDENT

Date of Decision : 30-03-2012

Acts Referred:

Industrial Disputes Act, 1947 — Section 2

Citation : (2012) 03 MAD CK 0041

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : R. Prabhakaran, for the Appellant;

Final Decision : Dismissed

Judgement

K. Chandru

1. The petitioner is a registered trade union functioning in the 1st respondent Neyveli Lignite Corporation. Curiously, in this Writ Petition, the

petitioner seeks for a direction to the Chairman and Managing Director of NLC to consider their representation dated 17.03.2012 and to allot

them an office building within the NLC township in order to carry out the activities of the Trade Union including activities for canvassing and

propaganda of the upcoming ballot elections so that the Petitioner may stand on an equal footing with equal opportunity as that of its contesting

Trade Unions having offices in the NLC Township. In the representation dated 17.03.2012, copy of which is enclosed in page 19 of the typed set,

the petitioner union referred to their dispute raised before the Regional Labour Commissioner (Central), Chennai for the privilege which has been

extended to all other Unions. However, merely because the trade union is registered, that by itself do not give any locus standi either to demand for recognition either de facto or de jure.

2. In the absence of any law relating to recognition, the question of entertaining the Writ Petition came to be considered by a Division Bench of this

Court in K.V. Sridharan and S. Ragupathy Vs. S. Sundaramoorthy and The Principal Chief Postmaster General, . The Division Bench presided by

A.K. Ganguly, Chief Justice (as he then was) held that in the absence of law relating to recognition of trade union, no Writ Petition will lie at the

instance of any party. The Writ Petition is liable to be rejected on the sole ground that the petitioner through the aid of this Court cannot seek for a

factual recognition. The contention that the trade union, which has been recognised, has certain facilities, whereas the petitioner union has not been

recognised and it would amount to discrimination, does not stand to reason because under the Industrial Disputes Act Section 2(ra) defines "unfair

labour practice" and the nature of unfair labour practice by the employer is set out in V Schedule Part-I and the Item No. 2 prohibits an employer

from dominating or interfering or contributing support either financial or otherwise to any trade union. The petitioner union is not a recognised trade

union. Therefore, the recognised trade union and the unrecognised trade union stand on a different footing and it is a valid classification. In the

absence of recognition granted to the petitioner union, when the recognised trade union also carries out certain facilities extended by the

management and in the absence of law relating to recognition of trade union in the State of Tamil Nadu, there is no case made out to entertain the

Writ Petition. Accordingly the writ petition stands dismissed. No costs. The connected Miscellaneous Petitions are closed.