



W.P.(MD)No.21696 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21696 of 2021

Bharatiya Pandian Transport Corporation
Workers Union,
No.66/44, Kambar Street,
S.S.Colony,
Madurai-625 016,
Represented by its
General Secretary,
A.Lakshmanan

... Petitioner

Vs.

- 1.The Principal Secretary
Transport Department,
Secretariat,
Chennai - 600 009.
- 2.The Managing Director,
Tamilnadu State Transport Corporation
(Madurai) Limited,
Madurai Division / Zone,
Bye Pass Road, Madurai.
- 3.The General Manager,
Tamilnadu State Transport Corporation
(Madurai) Limited,
Madurai Division / Zone,
Bye Pass Road, Madurai.



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4.The Public Information Officer / Assistant Manager (HRD),
Tamilnadu State Transport Corporation (Madurai) Limited,
Madurai Division / Zone,
Bye Pass Road,
Madurai.

5.Anna Thozhil Sangam(ATP) Transport Divisional,
Represented by its General Secretary,
Tamilnadu State Transport Corporation
Zonal Office Campus,
Bye Pass Road, Madurai.

6.Tamilnadu Arasu Pokuvarathu
Paniyazhar Samellanam(TTSF),
Represented by its General Secretary,
Tamilnadu State Transport Corporation
Zonal Office Campus,
Bye Pass Road, Madurai.

7.Arasu Pokuvarathu Madurai Thozhiazhar Sangam (CITU)
Represented by its General Secretary,
Tamilnadu State Transport
Corporation Zonal Office Campus,
Bye Pass Road, Madurai.

8.Labour Progressive Federation,
Represented by its
General Secretary,
Tamil Nadu State Transport Corporation
Zonal Office Campus,
Bye Pass Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 3 to grant building / Space inside the campus of Division / Zonal Office



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Madurai to the petitioner for having its office considering the representation dated 17-09-2021 within the period by this Court.

For Petitioner : Mr.S.Pon Senthil Kumaran

For R-1 & R-2 : Ms.D.Farjana Ghoushia,
Special Government Pleader

For R-3 : Mr.S.C.Herold Singh

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing respondent Nos.1 to 3 to grant building / Space inside the campus of the Office by considering the representation made by the petitioner on 17.09.2021.

2. The second respondent has filed a counter affidavit and the relevant portion in the counter affidavit is extracted hereunder:

“2. I state that the recognized unions alone were permitted to have their office within the premises of the respondents. Even that was made based on the request made by ATP, LPF, CITU and TTTF. I state that the petitioner's union does not come under the purview of recognized union. I state that the union which is registered under the Trade Union Act 1926 and which are



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recognized by the corporation alone are permitted to negotiate for and on behalf of the workman of the Transport Corporation. I state that there were around 24 unions formed by various individuals according to their whims and fancies. Out of the same, only few unions are permitted to negotiate based on the orders passed by the Hon'ble High Court in W.P.No.1234/1998, dated 10.11.1998. Therefore, those unions were not recognized by the State Transport Corporation. I further submit that the petitioner's union is neither recognized nor authorized to expose the cause of the workman. Moreover, the claim of the writ petitioner for granting building or space inside the campus divisional or zonal office would leads to further conjunctions within the Transport Corporation premises. I state that the Trade Union has to be registered under the Trade Union Act 1926 before the concern authorities. While registering, the Trade Union has to fix its registered office so as to have the business of the trade union. Therefore, the petitioner having consulted and having obtained consent from their members and based on the convenience they had fix their office. However, now the petitioner is seeking to grant building or



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space inside the campus of the division or zonal office. I state that there is no statutory right available for the petitioner to provide office space. There are 14232 workman working under this respondent. Out of the same, the petitioner is representing only 100 members. The same represents less than 1% of the total work force. Therefore the petitioner cannot claim the office space as a matter of right.”

3. In view of the above, it is clear that such building or space inside the campus will be given only to a recognized union and since the petitioner is not a recognized Union, such right is not available to the petitioner.

4. The relief sought for by the petitioner cannot be granted by this Court, since the petitioner does not have a legal right. As and when the petitioner becomes a recognized Union, it will be left open to the petitioner to revive the claim before the second respondent Corporation



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5. This Writ Petition is disposed of accordingly. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

1.The Principal Secretary
Transport Department,
Secretariat,
Chennai - 600 009.

2.The Managing Director,
Tamilnadu State Transport Corporation
(Madurai) Limited,
Madurai Division / Zone,
Bye Pass Road, Madurai.



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N.ANAND VENKATESH, J.

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