

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4.1.2017

CORAM

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.A.No.1413 of 2016
and
C.M.P.No.18019 of 2016

The Chief Executive,
Railway Employee's Co-operative
Credit Society Ltd.,
Ashok Vihar Complex,
Old Zoo Road, Chennai 600 003. Appellant

-vs-

1. Railway Employees Co-operative
Society Staff Union (Reg.No.3432/CNI)
rep. by its General Secretary,
R.C.Cyril Thiyagaraj,
No.2/30, Lettangs Road,
Vepery, Chennai 600 007.
2. The Labour Officer-1,
3rd Floor, Kuralagam,
Chennai 600 108.
3. State of Tamil Nadu,
rep. by Secretary,
Department of Labour and
Employment,
Fort St. George, Chennai 600 009.
4. The Southern Railway
rep. by its General Manager,
Central Chennai, Poonamallee, Chennai.
5. Union of India,
Ministry of Railways,
rep. by its Secretariat,
Railway Bhavan, New Delhi 110 001.

6. The Chairman,
Railway Board, Railway Bhavan,
New Delhi 110 001.

Respondents

Writ Appeal filed under clause 15 of the Letters Patent against the order dated 19.10.2016 rendered in W.P.No.28498 of 2016 filed under Article 226 of the constitution of India to issue writs orders or directions and in particular a writ of mandamus Directing the 2nd respondent to refer the Industrial Dispute dated 04/04/16 Nos. Na.Ka. No. A/535/14 Na.Ka.No. A/778/14 Na.Ka.No. A/99/15 for adjudication immediately on receipt of the failure report from the 1st respondent and direct the 3rd respondent not to alter the service conditions of the workers connected with the dispute and more particularly the workers whose names are in the Annexure to the Affidavit to their prejudice in any manner including reversion or discontinuing or terminating the services in the guise of punishment etc until the adjudication of the Industrial Dispute Nos. Na.Ka.No.A/535/14 Na.Ka.No.A/778/14 Na.Ka.No.A/99/15 dated 04/04/2016 and passing of final award by the Labour Court or Industrial Tribunal.

For Appellant : Mr.R.Krishnamurthy,
Senior Counsel for
Mr.A.Jinasenan

For R1 : Ms.N.S.Tanvi
For R4 : Mr.D.Bhakthavachala Babu for
Mr.V.G. Suresh Kumar

J U D G E M E N T

NOOTY.RAMAMOHANA RAO, J.

This Writ Appeal, under Clause 15 of the Letters Patent, has been preferred against the order passed, suo motu, by this court on 19th October 2016, in W.P.No.28498 of 2016.

2. Writ Petition No.28498 of 2016 is preferred by the Railway Employees Co-operative Society Staff Union, a Trade Union. It sought for a direction to the second respondent in the writ petition viz., the State of Tamil Nadu represented by its Secretary, Department of Labour and Employment to refer the Industrial Disputes, raised by them, for adjudication immediately on receipt of the failure report from the first respondent in the writ Petition viz., the Labour Officer, Chennai and for a direction to the third respondent in the writ petition viz., the Chief Executive Officer, Railway Employees Co-operative Credit Society Limited not to alter the service conditions of the workers connected with the Industrial Dispute.

3. While entertaining the said writ petition, the learned Single Judge considered it appropriate to implead the Southern Railway as a party. For this purpose, the learned Single Judge assumed that the lis in the writ petition relates to Southern Railway Employees.

4. Mr.R.Krishnamurthy, learned Senior Counsel appearing for the appellant, in our opinion, very rightly pointed out that the lis in the writ petition is not raised by the employees of the Railways at all, but, it is raised on behalf of the workmen, employed in the Railway Employees Co-operative Society. The employees of the Railway Co-operative Society cannot be considered or construed as employees of the Indian Railways. It is beyond any pale of doubt that the employees of the Railway Employees Co-operative Society cannot be treated as Union Government Servants and on that score, be treated as members of the Railway Service. It is, therefore, not warranted to implead the Southern Railway. Accordingly, we have no hesitation to set aside the order passed by the learned Single Judge on 19th October 2016, suo motu, impleading Southern Railway as fourth respondent.

5. The writ appeal stands, accordingly, allowed. From the array of parties of the writ petition, the Southern Railway viz., the fourth respondent shall stand deleted and the writ petition will be proceeded as against respondents 1 to 3 independently of this order. No costs. The connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. Railway Employees Co-operative
Society Staff Union (Reg.No.3432/CNI)
rep. by its General Secretary,
R.C.Cyril Thiyagaraj,
No.2/30, Lettangs Road,
Vepery, Chennai 600 007.
2. The Labour Officer-I,
3rd Floor, Kuralagam,
Chennai 600 108.

3. State of Tamil Nadu,
rep. by Secretary,
Department of Labour and
Employment,
Fort St. George, Chennai 600 009.

4. The Southern Railway
rep. by its General Manager,
Central Chennai, Poonamallee, Chennai.

5. Union of India,
Ministry of Railways,
rep. by its Secretariat,
Railway Bhavan, New Delhi 110 001.

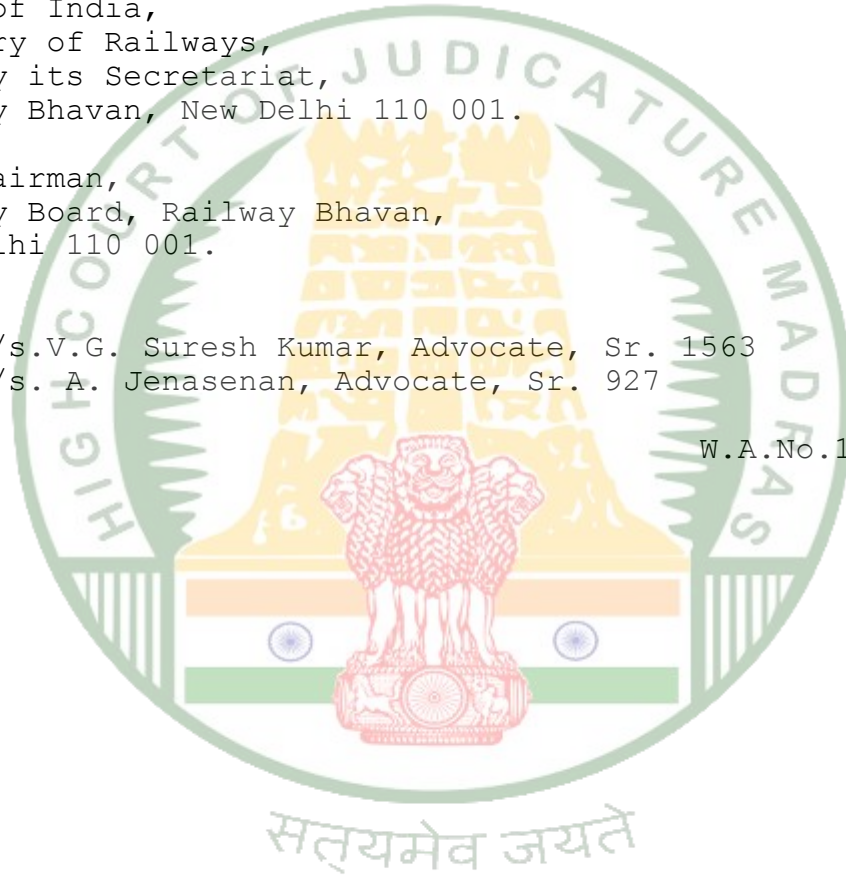
6. The Chairman,
Railway Board, Railway Bhavan,
New Delhi 110 001.

1 cc to M/s.V.G. Suresh Kumar, Advocate, Sr. 1563

1 cc to M/s. A. Jenasenan, Advocate, Sr. 927

W.A.No.1413 of 2016

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