

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

Writ Petition No.7611 of 2011

All India Postal Employees
Progressive Union,
rep. by its General Secretary,
Mr.R.Venkataraman

...Petitioner

Vs.

- 1.Union of India,
Ministry of Communication and
Information Technology,
Government of India,
Electronic Niketan,
Lodhi Road,
New Delhi 110 003.
- 2.The Secretary,
Ministry of Labour and Employment,
Government of India,
New Delhi -1.
- 3.Government of India,
Ministry of Personnel,
P.G & Pensions,
Department of Personnel Training,
(JCA Section) North Block,
New Delhi 110 001.
- 4.Ministry of State,
Communication and Information Technology,
Government of India,
Sanchar Bhawan, New Delhi 110 001.
- 5.The Secretary (Postal),
Department of Post,
Dak Bhawan,
New Delhi 110 001.

...Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to pass an order in the nature of Writ of Mandamus, directing the respondents to grant Adhoc Recognition to the petitioner union as per the Trade Union Act and as well as the I.L.O. Recommendations.

For Petitioner : Mr.S.Gunaseelan
For Respondents : Mr.K.Aravind Raj
Central Government Standing Counsel

O R D E R

The petitioner has preferred this Writ Petition to direct the respondents to grant Adhoc Recognition to the petitioner union as per the Trade Union Act and as well as the I.L.O. Recommendations.

2. The respondents have filed a counter affidavit, wherein Paragraph No.10, they have specifically stated that the Department of Post has been identified as an Industry and its employees fall within the definition of Workmen. But, simultaneously the employees in the Department of Post have been regulated by various services and financial rules, with adequate safeguards in the form of:

- "I. Joint Consultative Machinery and Compulsory Arbitration Scheme;
- II. Central Administrative Tribunal;
- III. Central Pay Commission and
- IV. A well organized Public Grievance Redressal Machinery, where the employees have adequate means of redressing their grievances."

The aforesaid rules are provided to safeguard the employees other than the Labour Laws and the recognition of Trade Unions does not fall within the purview of the Department of Post.

3. Further, it is admitted that the employees have the right to form an association and to elect the representatives, but, if they want recognition in terms of CCS (RCA) Rules, 1993, which would make them entitle to Trade Union facilities and to act within the frame work of the said rules but unfortunately the petitioner Union does not fall within the purview of Department of Post. Hence, the Writ Petition fails.

4. In the light of the Paragraph No.14 of the counter affidavit, the Petitioner Union has to process their constitution as per the Rules and elected representatives and to seek recognition in terms of CCS (RCA) Rules, 1993 and that would make them entitle to Trade Union facilities.

5. In view of the Paragraph Nos.13 & 14 of the counter affidavit, this Court is of the opinion that there is no merits and accordingly, the Writ Petition is dismissed. It is left

open to the petitioner to comply with the procedures as contemplated under the provisions of law for seeking recognition of the Trade Union. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.Union of India,
Ministry of Communication and
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Government of India,
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Lodhi Road,
New Delhi 110 003.
- 2.The Secretary,
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- 5.The Secretary (Postal),
Department of Post,
Dak Bhawan,
New Delhi 110 001.

+1cc to Mr.S.Gunaseelan, Advocate, S.R.No.85013

+1cc to Mr.A.Murugan, Advocate, S.R.No.85759

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GP(CO)
GSP(21/01/2019)