



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.4083 of 2017

Minvariya Anaithu Paniyalar Poriyalar
Sangam, Rep. By its General Secretary
S.Shanmugam,
Plot No.3, 1st Floor,
Harshini Home, Rukmani Ammal Street,
Keelkattalai, Chennai - 17.

.. Petitioner

Vs

The Tamil Nadu Generation & Distribution
Corporation Limited,
Rep. By its Chairman & Managing Director,
144, Anna Salai,
Chennai - 2.

.. Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records in letter No.77746/A3/A31/2015-1, dated 14.03.2016 on the file of the respondent and quash it and further direct the respondent to invite the petitioner for negotiations.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.P.R.Dhilipkumar,
Standing Counsel

ORDER

The present writ petition is directed against the impugned letter dated 14.03.2016 of the respondent/the Chairman & Managing Director, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO), Chennai, rejecting the request of the petitioner Sangam (Union) for grant of recognition of their Union.



2. Learned counsel appearing for the petitioner submitted that the petitioner Union was registered on 27.10.2010 under the Trade Unions Act of 1926 and they are centrally affiliated by the All India United Trade Union Centre from 23.12.2011 and they have 1600 members in the Union, which has a mix of workers and engineers and its members are stationed all over Tamil Nadu. The main object of the petitioner Union is to espouse the cause of its members through active dialogue with the respondent. Whiles, since the respondent/TANGEDCO was favouring certain Unions and that no uniform yardstick was followed while deciding to invite Unions for negotiations, the petitioner Union made a representation dated 27.04.2015 requesting the respondent to consider their participation in future discussions concerning workmen policies, however, the respondent had failed to reply the same. Therefore, when they had filed W.P.No.30535 of 2015, this Court, vide order 29.09.2015, disposed of the said writ petition with a direction to them to consider the said representation within a period of 10 days. Pursuant to the said direction of this Court, the respondent, vide impugned letter dated 14.03.2016, had rejected the request of the petitioner Sangam stating that 17 Unions already invited has majority of the workmen and therefore, enlarging the list of Unions would further lead to delay. It is further submitted that since the petitioner Union has 1600 workmen, their grievances also should be considered by the respondent and therefore, a direction may be given to the respondent to invite them to participate in the future negotiations.

3. Learned standing counsel appearing for the respondent, by filing a detailed counter affidavit, submitted that already 17 Unions have been attending the discussions for negotiations and all those 17 Unions consist of all categories of employees of the respondent/TANGEDCO. It is further stated that to complete one round of discussion with the existing 17 Unions itself, it takes two full days and during discussion, all the high officials such as Directors, Secretary, Chief Engineer/Personnel, Chief Financial Controller/General have to be present for the whole day and therefore, if the list of Unions is enlarged further, then it would further lead to delay in settling the issue and on that count, the respondent, vide impugned letter dated 14.03.2016, had rightly rejected the request of the petitioner Union for recognition and also to invite them for discussion. Therefore, the prayer made in the present writ petition, questioning the said decision taken by the respondent in the interest of better functioning, is liable to be rejected.

4. I fully agree with the above said submission. When already 17 Unions are attending the discussion at the Apex Level



to take care of the needs of all the categories of employees working under the respondent/TANGEDCO, in my considered view, enlarging of the list of Unions would further lead to delay in settling the issues concerning the employees. Moreover, the respondent/TANGEDCO have to engage higher officials during such discussion and therefore, since there are 17 already Unions representing all the categories of employees, enlarging the list of Union as requested by the petitioner will not be beneficial either to the employees or to the Management and on the contrary, this will promote industrial unrest. Therefore, the impugned letter dated 14.03.2016 refusing to recognize the petitioner Union and also to invite them for negotiations holds good.

5. Thus, for the reasons stated above, the writ petition fails and the same is dismissed. No Costs. W.M.P.No.4233 of 2017 is closed.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

rkm

To

The Chairman & Managing Director,
The Tamil Nadu Generation & Distribution
Corporation Limited,
144, Anna Salai, Chennai - 2.

+1cc to Mr.P.R.Dhilipkumar,, Advocate, S.R.No.96699
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.96359

W.P.No.4083 of 2017

CA(CO)
CS/30/12/2019