

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

:CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.19765 of 2012 and
M.P.No.1 of 2012

Tamilnadu Civil Supplies Corporation
Employees Union, Registration No.325/CPT
Rep. by its General Secretary
42,Thambuswamy Road, Kilpauk,
Madras- 600 010.

..Petitioner

Vs

1. Tamilnadu Civil Supplies Corporation,
rep. by its Chairman and Managing Director,
Old No.42, New No.12, Thambuswamy Road,
Kilpauk, Chennai- 600 010.
2. Senior Regional Manager,
Tamilnadu Civil Supplies Corporation,
Chennai North Region,
No.7, Conransmith Road,
Gopalapuram,
Chennai- 600 086.
3. Regional Manager,
Tamilnadu Civil Supplies Corporation,
Chennai South Region,
No.7, Conransmith Road,
Gopalapuram,
Chennai-600 086.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to comply with the circular of instructions dated 30.05.1996 as amended on 21.06.1996, with regard to deduction of subscription under the check off system for the Unions for all regions including the regions under the 2nd and 3rd Respondents.

For Petitioner : Mr. V.Prakash
Senior Counsel
for Mr.Abinesh.S

For Respondents : Mr.L.P.Shanmugasundaram
(R1 to R3)

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents to comply with the circular of instructions dated 30.05.1996 as amended on 21.06.1996, with regard to deduction of subscription under the check off system for the Unions for all regions including the regions under the second and third Respondents.

2. The case of the Petitioner in brief is as follows:

(i) The Petitioner Union is the recognized Union of the Respondent Corporation. A Circular dated 30.05.1996 was issued by the Respondent Corporation for deducting subscription from the pay of workers through check off system. On 21.06.1996, the Circular was amended to the effect that the deduction could be made from January to July and further it is specifically stated that only for change of Union option needs to be given and if there is no change, there is no need to give option every year.

(ii) The petitioner made several representations on 18.06.2012, 20.06.2012 and 13.07.2012 seeking to comply the aforesaid circular relating to the deduction of subscription every year. Though the First Respondent has sent communication to the respondents 2 and 3 to comply with the circular dated 30.05.1996 amended on 21.06.1996, the respondents 2 and 3 have not chosen to do the same. Therefore, the petitioner has filed the present Writ Petition before this Court seeking for the aforesaid relief.

2. A Counter Affidavit has been filed by the Second Respondent stating that there were 14 registered Unions functioning in the Corporation and as per the instructions in the above mentioned circular it is duty of the Union representatives of each Union to submit their list of members/employees pertaining to the Union to be declared as protected workmen within the stipulated time and the same should be submitted July 15th of every year, but the petitioner Union sent a reply on 20.07.2011 to the Management belatedly requesting to deduct subscription for the year 2011 based on the list given by the Union in the year 2010, due to which the

respondents have not deducted the subscription for the year 2011.

3. It is further stated that the Petitioner Union had simultaneously invoked remedy before the Conciliation Officer in an Industrial Dispute on the same subject matter, for which the Management has also filed a detailed reply denying the stand of the petitioner union. In paragraph 13 of the Counter Affidavit, it is stated that instructions in the circular for deduction of subscription from the employees salary is being done for the past 18 years without any complaint from any Union functioning in Chennai Region. Therefore, according to the Respondent Corporation, they have complied with the aforesaid circular.

4. Heard both sides. Perused the records.

5. From the counter affidavit filed by the second respondent, it is seen that the respondent corporation has complied with the instructions of the Circular dated 30.05.1996 as amended on 21.06.1996, with regard to deduction of subscription under the check off system and due to non submission of list of members by the petitioner's union, within stipulated time, the respondents could not deduct the subscription and further the subject matter is pending before the Conciliation Officer in an Industrial Dispute.

6. In view of the same, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman and Managing Director,
Tamilnadu Civil Supplies Corporation,
Old No.42, New No.12, Thambuswamy Road,
Kilpauk, Chennai- 600 010.

2.The Senior Regional Manager,
Tamilnadu Civil Supplies Corporation,
Chennai North Region,
No.7, Conransmith Road,
Gopalapuram,
Chennai- 600 086.

3.The Regional Manager,
Tamilnadu Civil Supplies Corporation,
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W.P. No. 19765 of 2012

NMI (CO)
PR (21/01/2022)