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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.12.2021

CORAM:

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR. J. SATHYA NARAYANA PRASAD

W.A.Nos. 456, 466 & 467 of 2014 and
M.P.Nos. 1 & 2 of 2015 in W.A.No.456 of 2014 and
1 of 2014 & 2 of 2015 in W.A.No.466 of 2014

1. Coimbatore Regional Mill Labour Union,
Rep. By its General Secretary,
Registration No.1300,
32, Perumal Kovil Street,
Vilankurichi,
Coimbatore 641 035 ...Appellant in W.A.No.456/2014
2. National Textile Corporation Limited,
(Government of India Undertaking),
Southern Regional Office,
Rep. By its Executive Director,
NTC House, 35-B, Somasundaram Mills Road,
Coimbatore 641 009.
3. The Senior Manager (HR)-HOD/Election Officer,
National Textile Corporation Limited,
NTC House,
35-B, Somasundaram Mills Road,
Coimbatore 641 009. ...Appellants in W.A.No.466/2014
4. National Textile Corporation Limited,
(Government of India Undertaking),
Southern Regional Office,
Rep. By its Chief General Manager,
NTC House, Post Box No.2409,
35-B, Somasundaram Mills Road,
Coimbatore 641 009. ...Appellant in W.A.No.467/2014

v.

1. Coimbatore Periyar District Dravida Panjalai
Thozhilalar Munnertra Sangam,
Rep. By its General Secretary S. Doraisamy,
No.69, Tatabad 3rd Street,
Coimbatore - 641 012.



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3. The Senior Manager (HR)-HOD/Election Officer,
National Textile Corporation Limited,
NTC House, Post Box No.2409,
35-B, Somasundaram Mills Road,
Coimbatore 641 009.
4. Assistant Labour Commissioner (Central),
New No.5, Old No.1-A (II Floor),
Lady Doak College Road,
Chinna Chokkikulam,
Madurai - 625 022.
5. Coimbatore and Periyar District Dravida Panjalai
Munnertra Sangam,
[Affiliated to Labour Progressive Federation]
Rep. By its Secretary, Regn. No.2658,
134/15B, Pankaja Mills Colony,
Ramanathapuram,
Coimbatore - 641 045.
6. Coimbatore District Mill Workers Union (AITUC),
Rep.1 by its General Secretary,
No.99, Ranga Street,
Katoor, Coimbatore - 641 009.
7. National Textile Worker's Union,
Rep. By its Secretary, Regn. No.1454,
1848, Trichy Road,
Ramanathapuram, Coimbatore - 641 035.
8. Thamizhaga Panchalai Thozhilalar Sangam (BMS),
Rep. By its General Secretary P.Murugesan,
231, Sathyamangalam Road,
Ganapathy, Coimbatore - 641 006.
9. Coimbatore District Mill Labour Union (CITU),
Rep. By its General Secretary,
Regd. No.78/CBE,
New No.127, Old No.381,
Somasundaram Mill Road,
Anupparapalayam,
Coimbatore - 641 009. ... Respondents in W.A.No.456/2014



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Coimbatore - 641 012.
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Coimbatore - 641 009.

...Respondents in W.A.No.466/2014



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1. Coimbatore District Textile Workers Union (HMS).
Rep. By its Secretary,
Thiyagi N.G.R. Mahal,
2212, Trichy Road, Singanallur,
Coimbatore - 641 005.
2. National Textile Corporation Limited,
Rep. By its Chairman & Managing Director,
Scope Complex, Core IV,
7, Lodi Road,
New Delhi - 110 003.
3. The Assistant Commissioner of Labour,
Office of the Assistant Commissioner of Labour,
Dr. Balasundaram Road,
Coimbatore - 641 018. ...Respondents in W.A.No.467/2014

W.A.No.456/2014 : Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order dated 26.03.2014 made in W.P.No.7531 of 2014.

W.A.No.466/2014 : Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order dated 26.03.2014 made in W.P.No.7531 of 2014.

W.A.No.467/2014 : Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order dated 26.03.2014 made in W.P.No.8794 of 2014.

Prayer in W.P.No. 7531 of 2014: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified Mandamus calling for the records from the 1st Respondent relating to the circulars dated 19.2.2014 bearing reference No.NTC/SRO/IR/2014-02 read with the Tamilnadu N.T.C. Mills Recognition of Trade Unions through Secret ballot Rules dt. Nil bearing reference No. Nil Circulated on 17.2.2014 consequential circular dt. 26.2.2014 bearing reference No.NTC/SRO/ IR/2014-02 along with the Tamilnadu N.T.C. Mills Recognition of Trade Unions through Secret ballot Rules dt. Nil bearing reference No. Nil circulated on 26.2.2014 quash the same as illegal arbitrary and consequently direct the respondents 1 & 2 to conduct elections for Recognition of Trade Unions by secret ballot to the seven Units/Mills (i) Coimbatore Murugan Mills.. (ii) Sri Rangavilas Ginning, Spinning & Weaving Mills (iii) Pankaja Mills (iv) C.S. & W.Mills (v) Combodia Mills (vi) Pioneer Mills and (vii) Kaleeswarar Mills "B" Unit belonging to the respondents in the state of Tamilnadu separately under the supervision/guidance of the 3rd respondent Assistant Commissioner of Labour (C), Madurai after holding discussions with all the



Unions in his presence to grant recognition for the Unions which secured 10% of the total votes polled in that unit/mill without including the retired/resigned/voluntarily retired and reemployed workers within a time frame.

Prayer in W.P.No.8794 of 2014: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 1st and 2nd respondent to conduct election by secret ballot for each of the 7 units separately and also at central level by permitting one union delegate for every 10% of the total votes secured both at the unit level and central level for recognition of the unions.

For Appellants: Mr.Balan Haridas
(Appellant in W.A.No.456/2014)

Mr.C.V.Vijayakumar
(Appellants in W.A.No.466 & 467/2014)

For Respondents: Mr. K.Srinivasamurthy
(in W.A. No.456/2014) for M/s. Row & Reddy - R1 & R6

Ms. Geetha Thamariselvan, S.G.P. - R4
Mr. A.V. Bharathy - R5

For Respondents: Mr. K.Srinivasamurthy
(in W.A. No.466/2014) for M/s. Row & Reddy - R1, R5 & R7

Ms. Geetha Thamariselvan, S.G.P. - R2
Mr. A.V. Bharathy - R4

For Respondents: Mr. K.M. Ramesh - R1
(in W.A.No.467/2014) Ms. Geetha Thamariselvan, S.G.P. - R3

COMMON JUDGMENT

(Judgment was delivered by M. DURAISWAMY, J.)

When the Writ Appeals are taken up for hearing, learned counsel on either side submitted that 7 units of National Textile Corporation Limited are not functioning, hence, the question of conducting the election and deciding the issue involved in the Writ Appeals as to the causing of secret ballot does not arise.

2. In view of the submissions made by the learned counsel on either side, the Writ Appeals are liable to be closed for the reason that 7 units of National Textile Corporation Limited are not functioning. However, we keep all the issues involved



in the Writ Appeals open and the same can be decided in an appropriate manner. We also give liberty to all the parties to file appropriate Writ Petitions seeking for appropriate relief in the case of Textile Mills are reopened.

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3. With these observations, the Writ Appeals are closed. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Chief General Manager,
National Textile Corporation Limited,
(Govt of India Undertaking)
Southern Regional Office
NTC House, 35-B, Somasundaram Mills Road,
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5. The Secretary,
National Textile Worker's Union,
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7. The Assistant Commissioner of Labour,
Office of the Assistant Commissioner of Labour,
Dr. Balasundaram Road,
Coimbatore - 641 018.

+lcc to Mr.K.M.Ramesh, Advocate, S.R.No.62766

W.A.Nos. 456, 466 & 467 of 2014 and
M.P.Nos. 1 & 2 of 2015 in W.A.No.456 of 2014 and
1 of 2014 & 2 of 2015 in W.A.No.466 of 2014

BP(CO)
RGA(03/01/2022)