



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 18.03.2021

DELIVERED ON : 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.[MD]No.6069 of 2021

S.Durrai

... Petitioner

Vs.

1.The Chairman,
Railway Board,
Ministry of Railways,
Govt. of India,
Rail Bhawan,
New Delhi - 110 001.

2.The General Manager,
Southern Railway,
Chennai - 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to declare and conduct Secret ballot election for Recognition of Trade Union / Federations on Indian Railways on the base of the petitioners representation dated 13.01.2021 within the time fixed by this Court.

For Petitioner : No appearance

O R D E R

The petitioner claims himself to be a Secretary of the Southern Railway Employees Sang, which is registered under the Indian Trade Union Act, 1920. He is also working as an Account Assistant, Senior Divisional Financial Manager at Southern Railway (Accounts). The petitioner further states that his trade union is affiliated to National Federation Indian Railway Men (NFIR), which consists of about 4200 members. According to the petitioner, in the year 2013, a trade union election was conducted in which SRMU union won the election. In terms of the bye-laws of the union, every five years election has to be conducted for trade union members.

2.After the expiry of five years period, since the date of the last election, no election was conducted by the respondent. According to the petitioner, that the respondent in collusion with the SRMU union executives, have not been initiating action for conduct of election in order to allow the existing executive members to continue as office bearers.

3.According to the petitioner, number of privileges are to be enjoyed by the recognised union which are enumerated in the affidavit. In order to perpetuate such enjoyment by the SRMU union, elections have not been conducted. In the said circumstances, he is



before this Court seeking a direction to the respondents to declare and conduct secret ballot elections for recognition of Trade Union / Federations on Indian Railways on the basis of his representation dated 13.01.2021.

4.This Court is unable to appreciate what is the right of the petitioner to seek such a direction from this Court. The affidavit is completely bereft of any basic details as to the instructions or regulations that apply for the conduct of election and what is the right of the petitioner to seek a writ of Mandamus. The averments are sketchy, bald and on the basis of which this Court cannot certainly issue any direction.

5.The petitioner has not even spelt out the basic facts in the affidavit as to the circulars and the Board resolutions and the Board's instructions issued by the respondent regulating the conduct of election for recognition of trade unions and federations. In the absence of any details, this Court cannot entertain this writ petition. Moreover, the petitioner has not explained as to what is his right to seek for issuance of Mandamus from this Court, except claiming himself to a Secretary of the Southern Railway Employees Sang. In any event, it is not for this Court to issue any such direction and regulate the union activities in respect of the respondent organisation.

6.For the above stated reasons, this writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

MR

To

- 1.The Chairman,
Railway Board,
Ministry of Railways,
Govt. of India,
Rail Bhawan,
New Delhi - 110 001.
- 2.The General Manager,
Southern Railway,
Chennai - 600 001.

PRE-DELIVERY ORDER MADE IN

W.P. [MD]No.6069 of 2021

17.04.2021

RK(13.05.2021) 2P 3C

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