



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.15803 of 2021

and WMP No.12728 of 2021

WEB COPY

TNSTC Indian National Trade Union Congress
Represented by its General Secretary
B.Jeevan Moorthy

... Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Chief Secretary
Fort St. George, Chennai 9

2.The Government of Tamil Nadu
Represented by its Secretary
Transport Department
Fort St. George, Chennai.

3.The Member Secretary & Coordinator
14th wage settlement council
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan salai, Chennai 2 ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the 1st and 2nd respondents to take criminal and disciplinary action against the 3rd respondent.

For Petitioner : Ms.G.M.Xavier
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to the 1st and 2nd respondents to take criminal and disciplinary action against the 3rd respondent.

2. The learned counsel for the petitioner has reiterated that the negotiations are being done in an improper manner, and unrecognized and unregistered Trade Unions are permitted to participate in the wage negotiation and thereby causing official inconvenience to the recognized Trade Unions, and the effective adjudication as contemplated under the Labour laws are diluted. Undoubtedly, the recognized or registered Trade Unions are entitled to participate in the negotiation. However, on a previous occasion,



the respondents/management allowed some unrecognized and unregistered Trade Unions also to participate in the negotiations.

3. This Court is of the considered opinion that the negotiations are to be conducted strictly by following the procedures in a manner known to law. In the event of allowing such unrecognized or unregistered Trade Unions, undoubtedly, the same would cause certain inconvenience to other registered trade unions as well as effective bargaining as contemplated under the labour laws, would also get affected.

4. Thus, the procedures are to be formulated for such negotiations to be conducted for wage revision and they have to enter into a 12(3) settlement under the provisions of the Industrial Disputes Act. For effective and collective bargaining as well as for adjudication, the procedures as well as the regulations, as required, are to be constituted by the respondents.

5. In this regard, the learned Special Government Pleader made a submission that all Managing Directors meeting was held on 06.11.2019 and a decision was taken to permit the representatives or the Office Bearers of the Registered Trade Unions. It is made clear that the Registration must be in-force as on 31.08.2019. Thus, the learned Special Government Pleader made it clear that all the representatives or the office bearers as nominated by such Registered Trade Unions would be permitted to participate in the negotiations by following the procedures. Undoubtedly, such negotiations are to be conducted in a disciplined manner, in order to maintain the decorum as well as to ensure that the wage revision and other benefits are conferred to the workmen in accordance with law.

6. This being the submissions made by the learned Special Government Pleader, this Court is of the opinion that for future negotiations, definite policy is to be constituted, in order to conduct the negotiations in a disciplined and proper manner, enabling the workmen to redress their grievances in a manner known to law. Thus, the avenues are to be created by the authorities competent to ensure that the grievances of the laborers are properly placed during the negotiations, discussed and resolved by following the procedures contemplated.

7. This being the purpose and object of the negotiations, this Court has no hesitation in coming to a conclusion that the authorized representatives or nominated office bearers of the Registered Trade Unions alone should be permitted to participate in the negotiations, to be conducted. Further, it is made clear that the registration must be in-force as on 31.08.2019 and those Registered Trade Unions, whose registrations are not in-force, would not be permitted to participate in the wage negotiations and other



petition is concerned, it is beyond the scope, and as such, it cannot be granted.

8. As far as the procedures to be followed for conducting the negotiations are to be formulated by the competent authority, now that the learned Special Government Pleader made a submission that such a process is going on and a decision will be taken in this regard and the procedures will be finalized at the earliest possible for future guidance and implementations. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

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/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Chief Secretary
Fort St. George, Chennai 9

2.The Secretary
Transport Department
Fort St. George, Chennai.

3.The Member Secretary & Coordinator
14th wage settlement council
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan salai, Chennai 2

+1 CC to M/s.SPL GP (SR-14507[F] dated 25/03/2022)

W.P. (MD) No.15803 of 2021

24.03.2022

PK(CO)

TR(05.04.2022) 3P 5C