



W.P.No.19973 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19973 of 2016

and

W.M.P.No.17221 of 2016

The General Manager,
Southern Railways,
Chennai – 600 003.

... Petitioner

Vs.

1. The Division Secretary,
All India Station Masters Association,
Room No.10, Ananda Buildings,
3, Station Road,
West Mambalam,
Chennai – 600 033.
2. Regional Labour Commissioner (Central),
No.26, Haddows Road,
Sastri Bhavan,
Chennai – 600 006.
3. The Presiding Officer,
Central Government Industrial Tribunal Cum Labour Court,
First Floor, “B” Wing, 26, Haddows Road,
Shastri Bhavan,
Chennai – 600 006.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India,
pleaded to issue a Writ of Certiorari calling for the records of the third



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respondent in I.D.No.36 of 2011 and quash the order passed therein dated 28.02.2013.

For Petitioner : Mr.P.T.Ram Kumar

For Respondents : Mr.L.Chandrakumar [R1]

No Appearance [R2]

ORDER

This writ petition has been filed seeking for issuance of a writ of certiorari to quash the order passed by the third respondent in I.D.No.36 of 2011 dated 28.02.2013.

2. It is the case of the petitioner that the first respondent is an Association of Station Masters, who are not recognized and registered by Railways as a Trade Union. With regard to certain demands, the first respondent Association filed a claim statement and raised Industrial Dispute against the petitioner in I.D.No.36 of 2011 before the third respondent Tribunal. The third respondent vide Award dated 28.02.2013 passed the directed the petitioner Management to consider the request of the 1st respondent Association for filling up the vacancies. Seeking to implement the Award passed by the Labour Court, the 1st respondent made a complaint before the 2nd respondent, who in turn passed the impugned letter in



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No.M.90/AISMA/Complaint/2016-B2 dated 02.05.2016 directing the

Railways to implement the Award dated 28.02.2013 on or before 15.05.2016 failing which, appropriate action will be taken u/s.29 of the Industrial Disputes Act, 1947. Challenging the same, the petitioner has come up with the present writ petition.

3. The learned counsel for the petitioner on instructions submits that the demands raised by the 1st respondent Association is within the domain of the policy decisions taken by the Government and the same will be implemented whenever necessity arises as per the statutory provisions.

4. On the above contentions heard learned counsel appearing for the first respondent and perused the materials placed on record.

5. Though the Labour Court arrived at a conclusion that the demands raised by the first respondent are not purely matters of policy decisions of the Government or the Department of Railway, however, this Court after carefully perusing clauses 6 and 7 of the claim statement filed on behalf of the workmen finds that they are purely within the domain of policy decisions



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of the Government, which cannot be questioned by the first respondent

before the Tribunal.

6. Hence the Award dated 28.02.2013 in I.D.No.36 of 2011 passed by the Central Government Industrial Tribunal cum Labour Court, Chennai is modified with the following direction :

(i) The petitioner is directed to implement the claims made by the first respondent except Clause 6 and 7, wherever it is feasible and necessary as per the statutory provisions within a period of 8 weeks from the date of receipt of a copy of this order.

7. With the above directions and observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index :Yes/No

Internet:Yes/No

NCC : Yes/No



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To

WEB COPY

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M.DHANDAPANI, J.

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