



W.P.No.7655 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7655 of 2024

B.Ramkumar Adityan

.. Petitioner

Vs.

1. Secretary  
Department of Personnel Public  
Grievances and Pensions  
Ministry of Personnel & Training  
North Block, New Delhi – 110 001.
2. Additional Chief Secretary  
Labour Welfare & Skill Development Department  
Government of Tamil Nadu, Secretariat, St. George Fort  
Chennai – 600 009.
3. Chief Election Commissioner  
O/o. Election Commission of India  
Nirvachan Sadan, Ashoka Road  
New Delhi – 110 001.
4. Chief Electoral Officer cum Secretary  
Public (Elections) Department  
Government of Tamil Nadu



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Secretariat, St. George Fort, Chennai – 600 009.

5. Tamil Nadu State Election Commissioner  
O/o. Tamil Nadu State Election Commission  
No.208/2, Jawaharlal Nehru Road  
Arumbakkam, Chennai – 600 106.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents to make it mandatory to submit necessary proof of voting to the establishment to avail paid holiday on poll day if the employee is a voter in the constituency where a general/bye-election is to be held for a fruitful implementation of provision of Section 135 B of the Representation of People Act, 1951.

For the Petitioner : Mr.J.Antony Jesus

For the Respondents : Mr.A.Edwin Prabakar  
State Government Pleader  
for R1 and R2

Mr.Niranjan Rajagopalan  
for R3

Mr.S.Sivashanmugam  
for R5

#### ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.J.Antony Jesus, learned counsel for the petitioner, Mr.A.Edwin Pabakar, learned State Government Pleader for respondents 1 and 2, Mr.Niranjan Rajagopalan, learned counsel for respondent 3 and Mr.S.Sivashanmugam, learned counsel for



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respondent 5.

2. The present petition is filed seeking directions against respondents 1, 2 and 3 to make it mandatory to submit necessary proof of voting to the establishment to avail paid holiday on poll day if the employee is a voter in the Constituency where a general/bye-election is to be held.

3. According to the learned counsel for the petitioner, when holiday is granted on the poll day, it is necessary that the person should vote on the said day. Holiday is being enjoyed without the employee casting the vote. The same would not fulfill the purpose of Section 135 B of the Representation of the People Act, 1951. The person should provide the proof of voting to the establishment.

4. Upon being asked that if the establishment is closed on the poll day and the employee wants to work on the said day without voting, whether the establishment would allow him to work, learned counsel for the petitioner could not answer the same.

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5. The purport of Section 135 B of the Representation of the People Act, 1951 is certainly to enable an employee to vote and to ensure that the employment would not be an impediment on his right to cast his vote. However, the prayer, as made, cannot be acceded to.

6. In the light of that, the writ petition, as such, stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No  
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE  
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