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W.P.No.26024 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26024 of 2014

The General Secretary,
NTC Mills Workers & Staff Union,
4/121, Kamaraj Nilayam,
Pannimadai PO, Coimbatore.

... Petitioner

/vs/

1. The General Manager,
NTC Ltd., NTC House,
P.O.Box No.2049,
35-B, Smasundaram Mills Road,
Coimbatore.

2. The Presiding Officer,
Central Govt. Industrial Tribunal – Cum – Labour Court,
Shastri Bhavan, Chennai – 600 006. ...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records from the files of the second respondent in I.D.No.82 of 2012 and quash its impugned award made therein dated 19.02.2014 in so far as it has denied the claim of the petitioner for implementation of 6th Pay Commission Recommendations to



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the employees of the first respondent Management.

For Petitioner ... Mr.K.M.Ramesh,
for Mr.S.Apunu

For R1 ... Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.

ORDER

The petitioner Union has filed this writ petition challenging the award of the Central Government Industrial Tribunal (CGIT) cum Labour Court, Chennai dated 19.02.2014 made in I.D.No.82 of 2012.

2. The Industrial Dispute has arisen out of the reference made by the Government on the following terms:

- “ i. Whether the refusal of the respondent to implement the recommendations of the 6th pay commission to all employees of NTC Mills of Southern Region is justifiable ?*
- ii. What is the relief to which the employers are entitled to ?”*

3. The second respondent / Labour Court has arrived at a conclusion that the 6th Pay revision applicable to the Government servants will not



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apply to the public sector undertakings and thus the same was dismissed.

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4. Mr.K.M.Ramesh, the learned counsel for the petitioner, submitted that similar public sector undertakings like 'Neyveli Lignite Corporation' and 'Anglo French Textile, Puducherry', have implemented the recommendations of the 6th Pay Commission and hence, there shall not be any disparity between similarly placed persons and the same has not been considered by the Tribunal. It is further submitted that the first respondent corporation has implemented the award as against certain category of staff and hence there need not be any double standards.

5. Per contra, Mr.P.Raghunathan, the learned counsel for the first respondent submitted that the petitioner Union itself did not have any *locus standi* to raise an Industrial Dispute as it comprises only 3.2% of the total employees. It is further submitted that so far as the workmen are concerned they are governed by 18(1) settlement and in such case they cannot claim that they are entitled to get the pay revision in accordance with the 6th Pay Commission during the currency of such settlement.



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7. However the learned counsel for the petitioner has made another submission that the very same first respondent Management has implemented the recommendations of the Pay Commission in respect of some other category of staffs but the same is not applied only as against the members of the petitioner's Union.

8. Even among the work force of any Corporation, there is a



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difference as to who can be covered under the definition of “Workmen”. So

far as the persons who would come under the definition of “Workmen”

have got their own beneficial labour law legislations and they are entitled to make collective bargain through their Trade Unions and some times the Trade Union and Management can also enter into the 18(1) settlement. But no such liberty is available to the other staff category of the first respondent Corporation because they do not fall under the category of workmen. So the petitioner cannot claim equality between two unequal groups though they work under the same establishment.

9. When the 6th Pay Commission recommendations were made the earlier 18(1) settlement was very much in force. In fact an another 18(1) settlement has also been arrived for the subsequent five years and the petitioner cannot be expected to get double benefits (i.e.) one through 18(1) settlement and another through adopting the recommendations of 6th Pay Commission. However, it is well within the discretion of the first respondent Management to choose to grant the benefit if in their appreciation it is possible and feasible. So I am not convinced with the



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argument of the learned counsel for the petitioner that the petitioner should be treated on par with the other public sector undertakings who have accepted the recommendation of the 6th Pay Commission and who have implemented it as against their workers and that the workmen of the petitioner's Union have been discriminated against the other staff category of the respondent Management.

10. The other argument advanced by the learned counsel for the first respondent is that the petitioner's Union comprises the minority strength of 3.2% of workmen and hence the said Union does not have *locus standi* to represent the interest of the entire workmen. Even the petitioner did not deny the fact that the number of members of their Union are only 3.2% of the total workmen. However, the argument of the learned counsel for the petitioner is that unmindful of the above fact the Government has made a reference and hence the Labour Court need not deal with the above point and that cannot be held against the petitioner's Union.

11. The respondent contended that the reference itself will not



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amount to rendering a finding as to the entitlement of the petitioner's Union including *locus standi* and it is for the Labour Court to appreciate.

12. On perusal of the impugned order it is seen that the Labour Court has ventured to refer certain decisions of the Hon'ble Supreme Court and this Court and based on the same, it is observed that the petitioner Union cannot be considered as an Union representing the interest of majority of workers and their representation cannot be considered as a substantial representation. Irrespective of the reference made, it is right for the Labour Court to deal with the above issues as well and it had rightly given a finding that unless a substantial representation is made, the dispute cannot be considered as a Industrial Dispute under Section 2K of the I.D.Act.

13. Since the Labour court has rightly appreciated the matter and had arrived at a right conclusion that the petitioner is not entitled to get the relief as prayed. In view of the above stated reasons, I do not find any factual or legal infirmity in the order passed by the Central Government Industrial Tribunal (CGIT) cum Labour Court, Chennai dated 19.02.2014



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made in I.D.No.82 of 2012 and hence the Writ Petition is liable to be
dismissed.

14. In the result, this Writ Petition is dismissed. No costs.

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Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To:
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The Presiding Officer,
Central Govt. Industrial Tribunal – Cum – Labour Court,
Shastri Bhavan, Chennai – 600 006.



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R.N.MANJULA ,J.

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