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CONT.P.No.2501 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 30.08.2024**

CORAM

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

**AND**

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**CONT.P.No.2501 of 2024**

**and**

**W.A.No.366 of 2024**

Shri N.Kanniah

... Petitioner

Vs.

1.Smt.Jaya Varma Sinha,  
Chairman cum CEO – Railway Board and  
Secretary to Government,  
Ministry of Railways, Rail Bhavan,  
New Delhi – 110 001.

2.Shri R.N.Singh,  
General Manager,  
Southern Railway,  
Headquarters Office,  
Park Town P.O.,  
Chennai – 600 003.

3.Shri K.Harikrishnan,  
Chief Personnel Officer,  
Southern Railway,  
Headquarters Office,  
Park Town P.O.,  
Chennai – 600 003.



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4. Shri. Rajiv Gandhi,  
Executive Director,  
Secret Ballot Election Committee,  
Rail Bhavan, New Delhi – 110 001.

5. Dakshin Railway Employees' Union,  
Affiliated with – CITU Regd. No.3068,  
No.27, Mosque Street,  
Chepauk, Chennai – 600 005.

... Respondents

**Prayer:** Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, pleased to punish the respondents 1 to 4, under the Contempt of Court Act, for willfully and deliberately violated the Order made in W.A.No.366 of 2024, dated 22.02.2024.

For Petitioner : Mr.AL.Somayaji  
Senior Counsel  
For Mr.C.K.Chandrasekar

For Respondents : Mr.AR.L.Sundaresan  
Additional Solicitor General of India  
Assisted by Mr.V.Chandrasekaran

## **ORDER**

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The present contempt petition has been instituted to punish the respondents for their wilful disobedience of the judgment made in W.A.No.366 of 2024, dated 22.02.2024.



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2. The respondents submitted a letter dated 01.02.2024 issued by the Joint Director, Establishment, Railway Board for conduct of elections. Based on the said undertaking letter dated 01.02.2024, this Court passed an order to conduct election between July and August 2024 and no further extension of time will granted, since the recognised association as of now is continuing for more than five years. Despite the direction of this Court, the respondents have delayed in initiating actions to conduct elections.

3. Mr.AR.L.Sundaresan, learned Additional Solicitor General of India appearing on behalf of the respondents would submit that on account of administrative reasons, there is a delay in completing the process. However, the election schedule has been already fixed and communicated by the Convener and Member Secretary, Secret Ballot Election Committee (SBEC) vide proceedings dated 30.08.2024. Annexure-I in the letter provides Schedule for Secret Ballot Elections (SBE-II) for recognition of Trade Union on Indian Railways, which reads as under;



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| <b><i>Stages in Election Process</i></b>                                                             | <b><i>Timelines</i></b>            |
|------------------------------------------------------------------------------------------------------|------------------------------------|
| Uploading of “Final Modalities”                                                                      | 09.09.2024 (Monday)                |
| Issue of Election notification by Zonal Railways Metro Railway Kolkata RCF/CLW                       | 10.09.2024 (Tuesday)               |
| Issue of Uniform 'Draft Voters' List' (DVL) (as per provisions and format given in Final Modalities) | 23.09.2024 (Monday)                |
| Last date for submission of representation against DVL                                               | 01.10.2024 (Tuesday)               |
| Last date for uploading Final Voters' List                                                           | 18.10.2024 (Friday)                |
| Last date for Filing of nomination                                                                   | 25.10.2024 (Friday)                |
| Last date for Scrutiny of nominations                                                                | 11.11.2024 (Monday)                |
| Last date for Display of nominations                                                                 | 11.11.2024 (post 18:00 hrs)        |
| Last date for Withdrawal of nominations                                                              | 14.11.2024 (Thursday)              |
| Last date for Display of final list of nominations                                                   | 14.11.2024 (post 18:00 hrs)        |
| Polling Dates                                                                                        | 04, 05 and 06.12.2024 (Wed to Fri) |
| Re-Polling (if to be held on)                                                                        | 10.12.2024 (Tuesday)               |
| Counting of votes and declaration of results                                                         | 12.12.2024 (Thursday)              |

4. Mr.AL.Somayaji, learned Senior Counsel appearing on behalf of the petitioner would submit that already the respondents took a long time to conduct election. Therefore, conditions are to be imposed.

5. In view of the fact that the respondents have already issued a schedule for conducting secret ballot elections, no further adjudication needs to be undertaken in respect of the present contempt petition.

6. We fervently hope that all the parties will cooperate for conduct of



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peaceful election as per the said schedule.

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7. With these observations, this Contempt Petition stands disposed of.

No costs.

[S.M.S., J.] [K.R.S., J.]  
30.08.2024

Jeni

Index : Yes

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Chairman cum CEO – Railway Board and  
Secretary to Government,  
Ministry of Railways, Rail Bhavan,  
New Delhi – 110 001.

2.The General Manager,  
Southern Railway,  
Headquarters Office,  
Park Town P.O.,  
Chennai – 600 003.

3.The Chief Personnel Officer,  
Southern Railway, Headquarters Office,  
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4. The Executive Director,  
Secret Ballot Election Committee,  
Rail Bhavan, New Delhi – 110 001.



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**S.M.SUBRAMANIAM, J.**  
**and**  
**K.RAJASEKAR, J.**

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**30.08.2024**