



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

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

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.366 of 2024

and

C.M.P.No.2384 of 2024

Dakshin Railway Employees' Union

... Appellant

Vs.

1. Union of India,
Rep. by the Secretary to Government,
Ministry of Railways, Rail Bhavan,
New Delhi – 110 001.
2. The General Manager,
Southern Railway,
Head Quarters Office,
Park Town P.O.,
Chennai – 600 003.
3. The Chief Personnel Officer,
Southern Railway,
Head Quarters Office,
Park Town P.O.,
Chennai – 600 003.
4. Secret Ballot Election Committee,
Rep. by its Executive Director,
Rail Bhavan, New Delhi – 110 001.



WEB COPY

W.A.No.366 of 2





5. Souther Railway Mazdoor Union,
Rep. by its General Secretary,
Nakkeerar Arangam,
Chennai Egmore,
Chennai – 600 008.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 27.07.2023 in W.P.No.24350 of 2013.

For Appellant : Mr.N.G.R.Prasad
for M/s.Row and Reddy

For R1 to R4 : Mr.V.Chandrasekaran,
Standing Counsel for Railways

For R5 : Mr.A.Jenasenan

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ Appeal has been filed against the order dated 27.07.2023 in W.P.No.24350 of 2013.

2. The Inter-Trade Union dispute resulted in institution of the writ proceedings by the appellant, questioning the validity of the order dated 03.05.2013 passed by the Chief Personnel Officer, Southern Railway. The learned Single Judge has considered the dispute and arrived a conclusion that the existing recognized trade Unions/Federations shall continue to



WEB COPY

remain as recognized trade Unions/Federations (subject to conditions) till election process is completed and its continuance shall depend upon the outcome of the elections as per Section 4(vii) of the Final Modalities of Secret Ballot Elections for Recognition of Unions/Federations on Indian Railways.

3. The Writ Court has further considered that even as per the new amended Final Modalities, holding of secret ballot elections of the year 2019 also states that the existing recognized Trade Unions and their Federations shall continue to remain as recognized (subject to conditions, if any) till a fresh selection process is completed. Therefore, the parties are directed to main *status quo* in consonance with the directions issued by the order passed in the Writ Petition.

4. The learned Standing Counsel appearing on behalf of the Railways submitted a copy of the letter dated 01.02.2024 issued by the Joint Director, Establishment, Railway Board and communicated through the General Managers also railways including Metro Railways. The said letter reads as under:-



WEB COPY

W.A.No.366 of 2



“ 2. It may, however, be noted that annually there is a steep increase in loading in Railways in the months of February and March and summer specials are operated in very large numbers in the April, May and June. Coal loading for power generation is also at its peak during April to June. The essential safety preparations are needed to be undertaken before the onset of Monsoons. General Elections to the Parliament will also be held in the above period. The above activities are to be undertaken with maximum attention.

3. Considering above, the time required by the Committee and operational requirement of Railways, the Elections of the Unions are to be held in July-August, 2024.

4. Railways may, accordingly, make necessary preparations for conduct of the Elections between July-August, 2024. This issues with the approval of the competent authority.”

5. In view of the above letter and the undertaking by the Railway Board that fresh elections will be conducted between July and August 2024. The present position prevailing shall continue till such time, fresh elections are concluded and the results are declared. No further extension to be granted since the recognized associations as of now is continuing for more than five years. The respondents are directed to complete the elections as per their commitment as stated in letter dated 01.02.2024 between July and August 2024.



WEB COPY

6. With these observations, the Writ Appeal stands disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
22.02.2024

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The Secretary to Government of India,
Ministry of Railways, Rail Bhavan,
New Delhi – 110 001.
2. The General Manager,
Southern Railway,
Head Quarters Office,
Park Town P.O.,
Chennai – 600 003.
3. The Chief Personnel Officer,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai – 600 003.
4. The Executive Director,
Secret Ballot Election Committee,
Rail Bhavan, New Delhi – 110 001.
5. The General Secretary,



Souther Railway Mazdoor Union,
Nakkeerar Arangam,
Chennai - Egmore, Chennai – 600 008.

WEB COPY

W.A.No.366 of 2





WEB COPY

W.A.No.366 of 2



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

skr

W.A.No.366 of 2024

22.02.2024