



WP(MD)No.23998 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.23998 of 2024
and
WMP(MD)No.20321 of 2024**

TNSTC Indian National Trade Union Congress,
Represented by its General Secretary,
B.Jeevan Moorthy

... Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary,
Transport Department,
Fort St.George,
Chennai – 9.

2.The Managing Director,
15th Wage Settlement Council,
Metropolitan Transport Corporation (Chennai) Ltd,
Pallavan Salai,
Chennai.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 2nd respondent to allow the petitioner's union to participate in the 15th wage settlement negotiation proposed to be held periodically at Chrompet Workshop, Chennai and give sufficient opportunity to express his views during the meeting.



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For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.G.V.Vairam Santhosh,

No.1 Additional Government Pleader

For Respondent : Mr.S.C.Herold Singh

No.2

ORDER

The Indian National Trade Union Congress a registered trade union has approached this Court seeking a mandamus directing the 2nd respondent to allow the trade union to participate in the 15th Wage Settlement negotiation proposed to be held at Chennai.

2.The learned Counsel for the petitioner submits that the petitioner union is a registered trade union and having more than 856 employees enrolled in their union, out of 6000 employees working in Madurai Region. Apart from Madurai Region, they are also having members at Dindigul and Virudhunagar region. According to him every year negotiation would be held at Chennai for wage settlement and for this year the negotiation is to be held very soon.



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3.The petitioner claims that the 2nd respondent is sending invitations to all the registered trade union inviting them to participate in the 15th wage settlement negotiation. However the 2nd respondent for the best reasons known to them, has not invited the petitioner trade union for this negotiation. Therefore, the petitioner union sent a representation dated 27.06.2024 to the respondents to permit them to participate in the 15th wage settlement negotiation and has approached this Court.

4.The learned Counsel for the petitioner has relied on the orders of this Court in WP(MD)No.15803 of 2021, dated 24.03.2022 and submits that for the year 2022 this Court has directed the respondents to permit the petitioner union to participate in the negotiation. Even after the orders of this Court, the respondents are adopting some tactics to prevent the petitioner union from participating in the negotiation.

5.Considering this submission of this petitioner and the earlier order passed by this court, this Court directed the learned Additional Government Pleader to get instructions from the 1st respondent. The learned Additional Government Pleader has expressed difficulty in getting instructions from the 1st respondent due to the recent flood.



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6.The learned Counsel for the 2nd respondent submits that there is no specific demand made from the petitioner trade union and therefore they have not been invited to participate in the negotiation. The learned Counsel further submits that the petitioner is having any specific demand, the interest of the workers / its members would be taken care of by the other unions.

7.This Court considered the rival submissions and perused the materials placed on record.

8.The petitioner is a registered trade union. The petitioner claims that they are having major chunk of the members among 6000 workers working in Madurai region. Though the petitioner is representing the major chunk of the workers of the respondent Corporation, it appears that the respondents have not invited the petitioner for the 15th wage settlement negotiation. The petitioner has submitted a representation on 26.07.2024 requesting the respondent to permit them to participate in the 15th wage settlement negotiation. Even thereafter the respondents have not taken any decision to permit the petitioner to take part in the negotiation.



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9. Though this Court has directed the respondents to file the written instructions as to the reason for not permitting the petitioner trade union in the negotiation, the respondents have not filed any written instructions before this Court. The learned Counsel for the 2nd respondent took a stand that this petitioner in their representation has not made any specific demand. Therefore the petitioner union was not invited for the negotiation. This Court is unable to accept the contention of the learned Counsel for the 2nd respondent that the interest of the workers / members of the petitioner union would be taken care of by other trade unions.

10. This Court in the writ petition filed by the very same trade union in WP(MD)No.15803 of 2021 by order dated 24.03.2022 held as follows:

“5. In this regard, the learned Special Government Pleader made a submission that all Managing Directors meeting was held on 06.11.2019 and a decision was taken to permit the representatives or the Office Bearers of the Registered Trade Unions. It is made clear that the Registration must be in force as on 31.08.2019. Thus, the learned Special Government Pleader made it clear that all the representatives or the office bearers as nominated by such Registered Trade Unions would be permitted to participate in the negotiations by following the procedures.



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Undoubtedly, such negotiations are to be conducted in a disciplined manner, in order to maintain the decorum as well as to ensure that the wage revision and other benefits are conferred to the workmen in accordance with law.

6. This being the submissions made by the learned Special Government Pleader, this Court is of the opinion that for future negotiations, definite policy is to be constituted, in order to conduct the negotiations in a disciplined and proper manner, enabling the workmen to redress their grievances in a manner known to law. Thus, the avenues are to be created by the authorities competent to ensure that the grievances of the laborers are properly placed during the negotiations, discussed and resolved by following the procedures contemplated.

7. This being the purpose and object of the negotiations, this Court has no hesitation in coming to a conclusion that the authorized representatives or nominated office bearers of the Registered Trade Unions alone should be permitted to participate in the negotiations, to be conducted. Further, it is made clear that the registration must be in force as on 31.08.2019 and those Registered Trade Unions, whose registrations are not in force, would not be permitted to participate in the wage negotiations and other meetings. As far as the relief sought for in the present writ petition is concerned, it is beyond the scope, and as such, it cannot be granted.



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8. As far as the procedures to be followed for conducting the negotiations are to be formulated by the competent authority, now that the learned Special Government Pleader made a submission that such a process is going on and a decision will be taken in this regard and the procedures will be finalized at the earliest possible for future guidance and implementations. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed. ”

11. When the respondents have invited all other registered trade unions to take part in the 15th wage settlement negotiation, it is not proper on the part of the respondents in not inviting the petitioner trade union. Therefore, this writ petition is allowed. The respondents shall permit the petitioner union to participate in the 15th wage settlement negotiation. Consequently connected miscellaneous petition is closed. No costs.

18.10.2024

Internet : Yes / No

Index : Yes / No

DSK



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To

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B.PUGALENDHI.J.,

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