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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO.15262 OF 2025

PETITIONER:

KERALA STATE ROAD TRANSPORT CORPORATION WORKERS FEDERATION, REG. NO. 283/71, NANTHANCODE, THIRUVANANTHAPURAM DISTRICT REPRESENTED BY ITS PRESIDENT, S.SEETHILAL, AGED 60 YEARS, S/O.SUKUMARAN, RESIDING AT KANDATHIL HOUSE, KAROOR, AMBALAPUZHA.P.O., ALAPPUZHA DISTRICT, PIN - 688561

BY ADVS.
LIJU.V.STEPHEN
INDU SUSAN JACOB
ABHIJITH U.

RESPONDENT/S:

1 **KERALA STATE ROAD TRANSPORT CORPORATION REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, TRANSPORT BHAVAN, EAST FORT, THIRUVANANTHAPURAM, PIN - 695023**

2 **THE MANAGING DIRECTOR KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, EAST FORT, THIRUVANANTHAPURAM, PIN - 695023**

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**3 THE ADDITIONAL LABOUR COMMISSIONER (IR)
CIVIL STATION, KAKKANADU, ERNAKULAM DISTRICT,
PIN - 682030**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

Petitioner is a Trade Union registered under the Trade Unions Act, 1926. The members of the petitioner Union consist of Drivers, Conductors, Mechanics, ministerial and other workers engaged in the 1st respondent Corporation. The 3rd respondent has been appointed as the Returning Officer for conduct of referendum of the Trade Unions in the 1st respondent Corporation. The 3rd respondent issued Ext.P1 notification dated 03.04.2025 scheduling the referendum on 30.04.2025. It is contended by the petitioner that, while the Kerala Recognition of Trade Unions Act, 2010 [for short, 'the Act of 2010'] provides for eligibility of voting to all categories of workman as defined under Section 2(s) of the

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Industrial Disputes Act, 1947 [for short, 'the I.D Act'], the 2nd respondent has, vide Clause 1 of Ext.P2 Circular, limited the voting right only to permanent workers, who have put in more than 120 days' work in the preceding year to the date of election notification. The petitioner, therefore, contends that Ext.P2 is contrary to the provisions of the Act of 2010.

2. Sri.Deepu Thankan, learned Standing Counsel for the respondent Corporation, submits that the persons who have been left out from the draft voters' list, are badli workers who did not satisfy the requirement of 120 days of service in the preceding year to the date of notification. The learned Counsel contended that, the badli workers have been given appointment, limiting their employment to 100

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days in an year. It is further contended that the badli workers are only substitute workers and will not come within the ambit of Section 2(n) of the Act of 2010 or Section 2(s) of the I.D Act. The learned Counsel refers to explanation to Section 25C of the I.D Act, and submits that badli worker is a temporary replacement for a permanent worker. He contended that Ext.P1 proceedings of the Returning Officer contains the election programme and provides for submission of objection to the draft voters' list.

3. The election programme contained in Ext.P1 provides the date of issuance of notification for referendum as 02.04.2025. The date for publication of draft voters' list is scheduled as 04.04.2025 and objection can be

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submitted to the draft voters' list from 04.04.2025 1 p.m to 11.04.2025 1 p.m. The hearing on objections has been slated at 2 p.m on 11.04.2025. The date notified for publication of final voters' list is 12.04.2025 at 4 p.m. Though it is stated by the petitioner Union that its members have not been included in the draft voter's list in terms of Ext.P2 Circular, those persons have not been named in the writ petition. Section 8 of the Act of 2010 deals with eligibility for voting. The right to vote in a referendum is the individual right of the workman. If the name of the workman is left out from the draft voter's list prepared by the Returning Officer, he can make individual objection before the Returning Officer within the time stipulated in the election



notification. If the members of the petitioner Union are aggrieved by the draft voters' list published, they are free to submit objection before the Returning Officer within the time provided in the election notification.

Leaving open the said right and without prejudice to the contentions of the petitioner in the writ petition, the writ petition is disposed of.

Sd/-

MURALI PURUSHOTHAMAN

JUDGE

sp/10/04/2025

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APPENDIX OF WP(C) 15262/2025

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF THE MINUTES DATED 02/04/2025 OF THE MEETING HELD BY 3RD RESPONDENT**
Exhibit P2	**A TRUE COPY OF THE CIRCULAR DATED 03/04/2025 ISSUED BY THE 1ST RESPONDENT**