



W.P.Nos.29774 of 2010 and 33577 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.29774 of 2010 and 33577 of 2022
and M.P.Nos.1 and 2 of 2010 and W.M.P.Nos.33039 of 2022**

Prayer in W.P.No.29774 of 2010

Dr.Ambedkar Paniyalar and Poriyalar Sangam,
(Regn.No.3219/CNI),
Rep.by its General Secretary,
No.146, 8th Street, Poombugar Nagar,
Chennai-600 009.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Energy,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Commissioner of Labour,
Department of Labour,
DMS Compound,
Teynampet,
Chennai-600 018.



W.P.Nos.29774 of 2010 and 33577 of 2022

WEB COPY

3.The Chairman,

Tamil Nadu Electricity Board Holding Company Limited,
800, Anna Salai, Chennai-600 002.

4.The Chief Engineer (Personnel),

Tamil Nadu Generation and Distribution Corporation,
(Administrative Branch),
144, Anna Salai, Chennai-600 002.

5.Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),

Rep.by its Managing Director,
144, Anna Salai, Chennai-600 002.

6.Tamil Nadu Transmission Corporation Limited,
(TANTRANSCO),

Rep.by its Managing Director,
144, Anna Salai, Chennai-600 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the first and third respondents relating to the draft Tripartite Agreement insofar as paragraph No.5(25) is concerned and the consequential letter dated 01.12.2010 issued by the fourth respondent and quash the same and direct the first and third respondents herein to conduct a Secret Poll to ascertain the real member strength of Unions/Associations (15% of total employees) so as to grant recognition to Unions/Associations and to take part in talk of negotiations in connection with the Draft Tripartite Agreement as per G.O.100, Energy Department, dated 19.10.2010.



WEB COPY



W.P.Nos.29774 of 2010 and 33577 of 2022

For Petitioner : Mr.K.M.Ramesh
Senior Counsel for
M/s.S.Apunu

For Respondents : Mr.K.Surendran
Additional Government Pleader
for R1 and R2
Mr.K.Rajkumar for R3 to R6

Prayer in W.P.No.33577 of 2022

Dr.Ambedkar Paniyalar and Poriyalar Sangam,
Rep.by its General Secretary,
Mr.P.Subramanian
No.146, 8th Street, Poombugar Nagar,
Chennai-600 009.

... Petitioner

Vs.

- 1.The Chairman,
TANGEDCO, Anna Salai, Chennai-600 002.
- 2.The Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Salai, Chennai-600 002.
- 3.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Salai, Chennai-600 002.
- 4.The Secretary,
TANGEDCO,
Anna Salai, Chennai-600 002.



W.P.Nos.29774 of 2010 and 33577 of 2022

5. The Commissioner,
Labour Department,
DMS Complex,
Teynampet, Chennai-600 018.

... Respondents

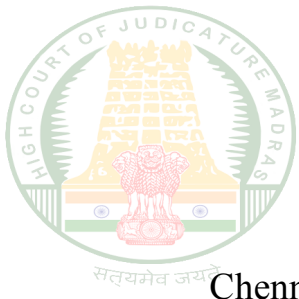
PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to grant an order for recognizing the petitioner Union and call the petitioner Union to take part in the discussions/negotiations scheduled to be held on forthcoming wage revision discussion and also on later dates to be scheduled by the respondent-TANGEDCO.

For Petitioner : Mr.K.M.Ramesh
Senior Counsel for
M/s.S.Apunu

For Respondents : Mr.Rajkumar
Senior Counsel for R1 to R4
Mr.K.Surendran
Additional Government Pleader
for R5

COMMON ORDER

W.P.No.29774 of 2010 has been filed challenging paragraph No.5(25) of the Draft Tripartite Agreement issued by the Principal Secretary, Department of Energy, Secretariat, Fort St.George, Chennai and the Chairman, Tamil Nadu Electricity Board Holding Company Limited,



W.P.Nos.29774 of 2010 and 33577 of 2022

WEB COPY

Chennai, wherein, it has been stated that the existing recognition of the Unions to be continued even after restructuring and binding on the successor entities and the consequential letter dated 01.02.2010 issued by the Chief Engineer (Personnel), Tamil Nadu Generation and Distribution Corporation Limited, Chennai, calling upon remarks from the so-called recognized Unions on the Draft Tripartite Agreement, based on G.O.Ms.No.100, Energy Department, dated 19.10.2010 and for a consequential direction to the first and third respondents to conduct Secret Poll to ascertain the member strength of the Unions/Associations for granting recognition to the Unions/Associations and to take part in negotiations in connection with the Draft Tripartite Agreement, as per G.O.No.100, Energy Department, dated 19.10.2010.

2. W.P.No.33577 of 2022 has been filed to direct the respondents 1 to 5 to recognize the petitioner Union and call the petitioner Union to take part in the discussions/negotiations scheduled to be held on forthcoming wage revision discussion and also on later dates to be scheduled by the TANGEDCO.



W.P.Nos.29774 of 2010 and 33577 of 2022

WEB COPY

3. The learned counsel appearing for the petitioner Union submits that the petitioner Union have made several representations to the respondents herein seeking recognition to their Union. However, the same has not been considered. As per the Board Proceedings No.2822 dated 31.12.1963 of the Chairman, Tamil Nadu Electricity Board Holding Company Limited, Chennai, the petitioner Union has completed three years from the date of its registration and is eligible to get recognition and take part in the negotiations to be invited by the Board in connection with Wage Revision, Work Load Settlement, raising objections, getting privileges and to safeguard the interest of its members. While so, the Chief Engineer (Personnel), Tamil Nadu Generation and Distribution Corporation Limited, Chennai, issued a letter dated 01.02.2010 calling upon the remarks from the so-called recognised Unions on the Draft Tripartite Agreement based on G.O.Ms.No.100, Energy Department, dated 19.10.2010, in connection with restructuring of TNEB. In paragraph No.5(25) of the said Draft Tripartite Agreement, it has been stated that the existing recognition of the Unions to be continued even after restructuring and binding on the successor entities.



W.P.Nos.29774 of 2010 and 33577 of 2022

WEB COPY

Challenging the same, W.P.No.29774 of 2010 has been filed, whereas, W.P.No.33577 of 2022 has been filed to direct the respondents to recognize the petitioner Union and call the petitioner Union to take part in the discussions/negotiations scheduled to be held on the forthcoming wage revision discussion and also on later dates to be scheduled by the TANGEDCO.

4. Though very many grounds have been raised in this writ petitions by the petitioner, when the matters are taken up for hearing, the learned counsel appearing for the petitioner Union submits that it would suffice if this Court permits the petitioner Union to make an appropriate representation to the sixth respondent in W.P.No.29774 of 2010 and the second respondent in W.P.No.33577 of 2022 for recognizing the petitioner Union.

5. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the



W.P.Nos.29774 of 2010 and 33577 of 2022

WEB COPY

case, permits the petitioner to make an application before the sixth respondent in W.P.No.29774 of 2010 and the second respondent in W.P.No.33577 of 2022 for recognizing the petitioner Union within a period of two weeks from the date of receipt of a copy of this order and on receipt of such application, the sixth respondent in W.P.No.29774 of 2010 and the second respondent in W.P.No.33577 of 2022 are directed to consider and dispose of the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of the application.

6. Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

18.02.2025

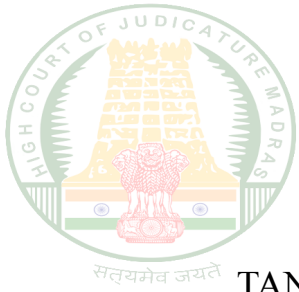
NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



W.P.Nos.29774 of 2010 and 33577 of 2022

WEB COPY

- To
1. The Principal Secretary,
Department of Energy,
Secretariat, Fort St. George,
Chennai-600 009.
 2. The Commissioner of Labour,
Department of Labour,
DMS Compound,
Teynampet,
Chennai-600 018.
 3. The Chairman,
Tamil Nadu Electricity Board Holding Company Limited,
800, Anna Salai, Chennai-600 002.
 4. The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation,
(Administrative Branch),
144, Anna Salai, Chennai-600 002.
 5. Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Rep.by its Managing Director,
144, Anna Salai, Chennai-600 002.
 6. Tamil Nadu Transmission Corporation Limited,
(TANTRANSCO),
Rep.by its Managing Director,
144, Anna Salai, Chennai-600 002.
 7. The Chairman,



W.P.Nos.29774 of 2010 and 33577 of 2022

WEB COPY TANGEDCO, Anna Salai, Chennai-600 002.

8.The Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
Anna Salai, Chennai-600 002.

9.The Secretary,
TANGEDCO,
Anna Salai, Chennai-600 002.



WEB COPY



W.P.Nos.29774 of 2010 and 33577 of 2022

M.DHANDAPANI, J.

ssb

W.P.Nos.29774 of 2010 and 33577 of 2022

18.02.2025