



W.P.Nos.13765 & 2320 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.13765 & 2320 of 2025

and

WMP.Nos.15462, 15463 & 2639 of 2025

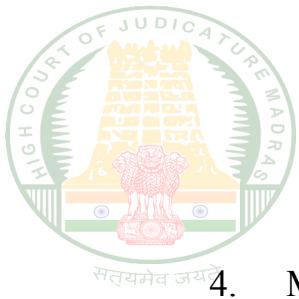
W.P.No.13765 of 2025:

NLC Jeeva Oppantha Thozilalar Sangam,
No.1, Panruti Main Road, Abatharanapuram,
Vadalur, Cuddalore District,
Rep. by its President, A.Anthony Selvaraj.

...Petitioner

Vs.

1. The Government of India,
Rep. by its Secretary to Government,
Ministry of Coal, A-Wing, Shastri Bhawan,
Dr.Rajendra Prasad Marg,
New Delhi – 110 001.
2. The Government of India,
Rep. by its Secretary to Government,
Ministry of Labour & Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi – 110 001.
3. The Chief Labour Commissioner (Central),
Shramev Jayate Bhawan,
Plot No.G-4, Sector 10,
Dwarka, New Delhi – 110 075.



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4. M/s.NLC India Limited,
Rep. by its Deputy General Manager (HR),
Neyveli – 607 801.

5. Deputy Chief Labour Commissioner (Central)/
Returning Officer,
Shastri Bhawan, No.4, Haddows Road,
Chennai – 600 006.

...Respondents

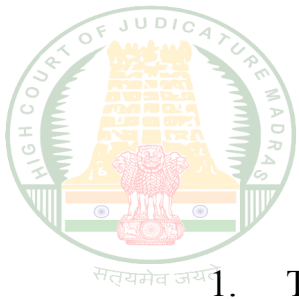
Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in No.M.11(03)/2024-A2 dated 09.04.2025 issued by the 5th respondent and to quash the same and consequently directing the respondents to grant voting rights to the workmen employed with members of Neyveli Lignite Corporation - Industrial Cooperative Service Society (NLC-INDCOSERVE), House Work Service Industrial Cooperative Society (HOWSICOS) and contract Labourers for the election of representatives of collective bargaining agency to participate in the negotiation in the settlement proceedings through secret ballot system.

W.P.No.2320 of 2025:

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Rep. by its President,
A.Anthony Selvaraj.

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant voting rights to the workmen employed with members of Neyveli Lignite Corporation - Industrial Co-operative Service Society (NLC-INDCOSERVE), House Work Service Industrial Co-operative Society (HOWSICOS) and Contract Labourers for the election of representatives of collective bargaining agency to participate in the negotiation in the settlement proceedings through secret ballot system, in consideration of representation submitted by the petitioner union.



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For Petitioner : Mr.S.Sankaran, Sr.C
for Mr.S.Nedunchezhiyan
(in both W.P.'s.)

For Respondents : Ms.Gopika Nambiar, SPCGSC,
(for R1 to R3 & R5 in W.P.No.13765 of 2025)
(for R1 to R3 in W.P.No.2320 of 2025)
: Mr.N.Nithianandam, for R4
(in both W.P's.)

COMMON ORDER

Since the issue involved in both the Writ petitions are interconnected, they are disposed of by way of this common order.

2. It is the case of the petitioner that, it is a union registered under the provisions of the Trade Unions Act, 1926, established for the purpose of protecting the interest of Contract Labourers employed in the 3rd respondent corporation, which is a Central Government PSU incorporated under the Indian Companies Act, 1956. INDCOSERVE is a Society registered under the Tamil Nadu Societies Registration Act with more than 6800 employees/ members, established for the purpose of providing job opportunities for the displaced persons who lost their lands and houses in NLC projects and also to protect the interest of the LR's of the deceased NLC employees who died



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WEB CO during the course of employment. Another registered Society namely HOWSICOS is established for the purpose of redressing the grievances of their members including female workers and it has about 194 members, who belong to socially suppressed community. In addition to the above said two registered societies, there are about 5000 employees working in the 3rd respondent corporation through private contractors. Election would be conducted for every four years to elect a registered Trade Union as sole bargaining agent who act as a representative for works during the negotiation with the 3rd respondent for settlement, wage revision bonus, quantum of compensation for deceased workmen, redressal of grievances of the employees etc., and the Trade Unions having permanent employees alone are permitted to participate in the election and the permanent employees working in the 3rd respondent corporation alone were given the right to elect the registered Trade Union. However, the majority of the workforce employed as Society workers and contract labourers, who comprise 60% of the total strength of the workmen employed under the 3rd respondent were denied voting rights. Thereby, the petitioner union approached this Court by way of filing a writ petition in W.P.No.2320 of 2025 seeking for a direction to the respondents to grant voting rights to the



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workmen employed with members of Neyveli Lignite Corporation - Industrial Co-operative Service Society (NLC-INDCOSERVE), House Work Service Industrial Co-operative Society (HOWSICOS) and Contract Labourers for the election of representatives of collective bargaining agency to participate in the negotiation in the settlement proceedings through secret ballot system, in consideration of representation submitted by the petitioner union. Pending the same, the Deputy Chief Labour Commissioner (Central)/ the 5th respondent in W.P.No.13765 of 2025 has been appointed as Returning officer in order to conduct election for recognition of Trade unions as sole bargaining agent to represent the NLC employees, who in turn had issued the present impugned proceedings dated 09.04.2025 for conducting preliminary meeting for preparation of Election schedule by inviting thirteen (13) registered trade unions representing the permanent employees of the 3rd respondent corporation alone and consequently, the 5th respondent announced election notification with the schedule of election. Challenging the said proceedings of the 5th respondent dated 09.04.2025, the petitioner has filed the Writ petition in W.P.No.13765 of 2025.



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3. Heard learned counsel on either side and perused the materials available on record.

4. Though very many grounds have been raised by the learned counsel on either side, at the time of arguments, in view of the fact that the prayer sought for by the petitioner in these Writ petitions cannot be decided by this Court under Article 226 of the Constitution of India, this Court, without expressing any opinion on the merits of case and without interfering with the order impugned, grants liberty to the petitioner to approach the competent forum and workout its remedy in the manner known to law.

5. For the reasons aforesaid, these Writ petitions stand dismissed with the aforestated liberty. No costs. Consequently, the connected Miscellaneous petitions are closed.

22.04.2025

skt

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

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