



WEB COPY

WP No. 28324 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 28324 of 2025

and

WMP Nos.31713 and 37445 of 2025

N.Selvaraj
Secretary, Coimbatore Labour Union,
Reg. No. 909/CBE, AITUC,
No. 20, Dhandapani Street,
Pazhaiyur, Paapanaickenpalayam,
Coimbatore -641 037.

Petitioner(s)

Vs

1. The Commissioner,
Coimbatore Corporation,
Coimbatore -641 001.
- 2.The Assistant Commissioner of Labour,
Coimbatore - 641 018.
- 3.Srinivasa Waste Management Pvt. Ltd.,
Axis Bank Building 3rd Floor, DB Road,
RS Puram, Coimbatore - 641 002.

Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No. 3440/2025/M.C.3 dated 09.07.2025 issued by the 1st respondent and to quash the same and consequently direct the 1st respondent to restore the timing as per Na.Ka.No. 5206/2022/M.e 4 dated 26.10.2022.



WEB COPY

WP No. 28324 of 2



For Petitioner(s): Mr.K.Kathiresan

For Respondent(s): M/s. D. Ferdinand
for R1
Mrs.M.Jayanthi,
Additional Government Pleader
for R2

ORDER

Writ petition is filed for a writ of certiorarified mandamus, calling for the records relating to the impugned order in Na.Ka.No.3440/2025/M.C.3, dated 09.07.2025, issued by the 1st respondent, quash the same and consequently to direct the 1st respondent to restore the timing as per Na.Ka.No. 5206/2022/M.e 4, dated 26.10.2022.

2. The petitioner is the Secretary of the Coimbatore Labour Union, which has membership of more than 500 members. According to the petitioner, the members of its union are working under a contract with the 3rd respondent corporation, as manual scavengers, public sanitation workers, disease control workers etc. The petitioner states that most of the workers working in the Coimbatore Municipal Corporation, were residing 20 to 25 kilometers away from office, and it would take a minimum of 1 to 1 ½ hours to reach and report to office everyday for work. The petitioner states that hitherto, the 1st respondent had fixed the working hours at 7.00 a.m in the morning. However, the 1st respondent by the impugned order dated 09.07.2025, altered the reporting time to 6.00 a.m. The petitioner aggrieved by the impugned order dated



09.07.2025, altering the reporting time to 6.00 a.m, has filed the above writ petition for the aforesaid relief.

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3. The respondents filed a detail counter affidavit stating *inter alia* that the writ petition was not maintainable, since the petitioner failed to produce any document to prove that he was authorised to represent the union in the present writ petition. The respondents submitted that the operational management of duties, including reporting time, was within the administrative powers of the Corporation and therefore, the same could not be questioned in writ proceedings. The respondents submitted that the alteration in the reporting time was necessitated by operational requirements and also to ensure that the primary collection of garbage was completed before peak hours. The respondent further submitted that the impugned order was purely a administrative policy decision of the Government, and therefore, the writ petition, challenging such policy decision deserved to be rejected.

4. The learned counsel for the petitioner submitted that the impugned order deserved to be set aside since a labour dispute was pending before the Labour Conciliation Officer and in the absence of prior permission under Section 33[2][a] from the Labour Conciliation Officer, change in service conditions could not be effected. The learned counsel therefore prayed that the writ petition be allowed.

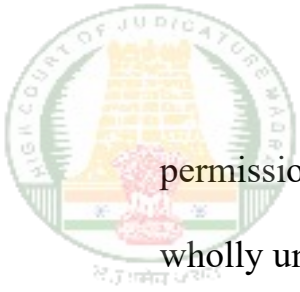
5. The learned counsel for the respondent raised a preliminary issue on the maintainability of the writ petition, stating that the petitioner failed to file



documents to show that he was the authorised by the petitioner labour union to file the writ petition. The learned counsel further submitted that, in the absence of any material to establish that a 2-K dispute was pending, the objection relating to the requirement of permission under Section 33[2][a] was untenable.

6. I heard both the learned counsels and perused the materials placed on record.

7. As rightly contended by the learned counsel for the respondent, though the petitioner has produced the registration certificate of the petitioner-union, he has not placed even a single document to establish that he was authorised to file the writ petition on behalf of the union. The petitioner was authorised to institute the writ petition on behalf of the Coimbatore Labour Union. The writ petition filed by the petitioner on behalf of the Coimbatore Labour Union, is not maintainable. Despite granting sufficient opportunity, the petitioner failed to produce any document to substantiate his contention that a dispute under Section 2-K of the Industrial Disputes Act, is pending before the Labour Conciliation Officer. The additional typed set of papers, filed by the petitioner only contains copies of the petition and summons in Na.Ka.No.273/2025 and Na.Ka.No.373/2025. On perusal of those proceedings, it is evident that they do not relate to any pending 2[K] dispute. In the absence of any material to show that a 2-K dispute is pending, the objection regarding the necessity of



permission under Section 33[2][a] of the Industrial Disputes Act, 1947, is wholly untenable.

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8. In view of the above discussion, this Court finds no merit in the writ petition. Accordingly, the writ petition is dismissed. However, it is open to the petitioner to file fresh writ petition, if and when authorisation from the Coimbatore Labour Union is obtained and if, any dispute under Section 2[K] is duly established to be pending. No costs. Consequently, the connected miscellaneous petitions are closed.

Dsn / AP

03-11-2025

(2/2)

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

2. The Assistant Commissioner of Labour,
Coimbatore 641 018.

3. Srinivasa Waste Management Pvt Ltd
Axis Bank Building, 3rd Floor DB Road, RS
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WEB COPY

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N.MALA J.
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