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O.S.A. No.340 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

O.S.A. No.340 of 2025
and
C.M.P. No.26371 of 2025

Indian National Rural Labour Federation
rep. By its General Secretary
Mr.Karnan Ramamurthy,
S/o.K.Ramamurthy,
Rajiv Bhavan,
No.6, Second Main Road,
Raja Annamalaipuram, Chennai – 600 028.

... Appellant

Vs.

1.M.Panneerselvam
2.P.Gopinath
3.G.Jayapal
4.M.Arumugam
5.G.Saravanan
6.M.Rajeswari

7.Indian National Trade Union Congress,
Central (INTUC) rep. By its President
Dr.G.Sanjeeva Reddy,
National Head Quarters,
Shramik Kendra,
4, Bhai Vir Singh Marg,
Gole Market, New Delhi – 110 001.

8.Dr.G.Sanjeeva Reddy



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9. Indian National Trade Union Congress -
Tamil Nadu Branch,
Tamil Nadu – INTUC rep. By its
President Mr.V.R.Jaganathan,
G.R.Bhavan, New No.87,
Old No.45, Royapettah High Road,
Chennai – 600 014.

10.V.R.Jaganathan

11.T.V.Xavier

12.K.Kalangiyam

13.A.Balaraman

14.G.K.Muralidharan

15.B.Anantharamakrishnan

16.S.A.Wellington

17.K.Rajasekharan

18.K.Guruswamy

19.A.Jayachandran

... Respondents

Original Side Appeal filed under Order XXXVI Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the common order dated 15.07.2025 made in A.No.2203 of 2025 and C.S.No.226 of 2024.

For Appellant

: Mr.R.Singaravelan,
Senior Counsel
for Mr.J.Jayan

For Respondents

: Mr.D.Ravichander for R1 to R6
Mr.K.M.Ramesh,
Senior Counsel
for Mr.V.Subramani for R9 and R10
Mr.C.Elamurugan
for R7, R8, R11 to R19



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JUDGMENT

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(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The present Original Side Appeal has been instituted to assail the order dated 15.07.2025 in A.No.2203 of 2025 and C.S.No.226 of 2024 (common order in C.S.No.226 of 2024 and A. Nos.2202, 2203, 1957, 785 and 1719 of 2025 and O.A. Nos.154 and 332 of 2025).

2. C.S.No.226 of 2024 has been instituted for declaration to declare the Notification dated 06.09.2024 issued by the first defendant and signed by the second defendant as null and void and for permanent injunction. Applications have been filed seeking various reliefs.

3. Appellant Indian National Rural Labour Federation is not a party in the civil suit, but it is an affiliated trade union of the first defendant Indian National Trade Union Congress (Tamil Nadu Branch). The plaintiffs have instituted a suit challenging the appointment of an Adhoc Committee by the first defendant. However, there is no election dispute raised in the civil suit. Appellant mainly contends that appointment of an Election Officer and conduct of election in violation of the approved bye-laws of the trade union are offending the rights of the affiliated trade unions. Therefore, by securing leave, they have instituted the present original Side Appeal.



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4. Conduct of election by the Election Officer bypassing the procedures contemplated under the approved bye-laws causing deprivation of the right of affiliated trade unions and affiliated trade unions are constituting electoral body to elect office bearers for Tamil Nadu Branch.

5. The above contentions are opposed by the respondents on the ground that tenure of office bearers expired and appointment of Adhoc Committee was made based on necessity. Thus the trial Court appointed a retired Chief Justice of High Court as Election Officer to conduct election. The Election Officer has commenced the process and election is going to be completed on 15.11.2025.

6. It is not in dispute between the parties that main suit has been closed but Election Officer is allowed to continue and perform his duties to conduct election. This is also raised as an objection by the appellants. Once the suit is closed, continuance of Election Officer cannot be sustained.

7. Heard the learned counsel for the parties.

8. This Court has gone through the approved bye laws of the trade union. The bye-laws contemplate procedures for conduct of election to Tamil



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Nadu Branch. The first defendant supervises the activities of the State branches including Tamil Nadu Branch. Aggrieved by the notification issued by the first defendant, suit came to be instituted. Therefore, appointment of Election Officer to conduct election for the post of President is beyond the scope of the plaint relief sought for. No election dispute was raised between the parties. Appointment of Adhoc Committee alone is under challenge in the civil suit. Therefore, Tamil Nadu Branch is duty bound to conduct election by scrupulously following the procedures as contemplated under the Constitution. If no elections are conducted or elections are conducted in violation of the Constitution, then a cause would arise for the members to raise an election dispute or seek appropriate relief either by approaching the Registrar of unions under the Trade Union Act or Indian National Trade Union Congress, Central (INTUC) or competent Civil Court of law. Election of Working Committee at paragraph No.11 of the Constitution of Indian National Trade Union Congress (Tamil Nadu Branch) reads as follows:

'11. THE ELECTION OF WORKING COMMITTEE:

a. New Working Committee Members will be elected following any one of the methods in the Delegates Conference. The Working Committee shall decide about the election before Delegates Conference. The Working Committee Members thus elected will hold office till the election of new Working Committee Members in the next Delegates Conference.



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b. The method of electing Office Bearers and Working Committee Members:

- 1. By Consensus method or*
- 2. By electing the President and giving powers to the President to nominate other Office Bearers and Working Committee Members or*
- 3. Through Secret Ballot*

c. The number of Office Bearers and Working Committee Members to be elected to Tamilnadu INTUC are as under:

<i>PRESIDENT</i>	<i>1</i>
<i>SENIOR VICE PRESIDENTS</i>	<i>3</i>
<i>VICE PRESIDENTS</i>	<i>5</i>
<i>SECRETARY GENERAL</i>	<i>1</i>
<i>GENERAL SECRETARIES</i>	<i>5</i>
<i>SECRETARIES</i>	<i>5</i>
<i>TREASURER</i>	<i>1</i>
<i>TOTAL</i>	<i>21</i>

Working Committee Members not exceeding 30 (Thirty)

d. The President at his discretion may nominate 1 Vice President, 1 General Secretary, 5 Organising Secretaries and 5 Working Committee Members. They need not be Delegates. The other Office Bearers, and Working Committee Members



shall be elected by the Delegates in the Delegates Conference.

e. The President can permit some important dignitaries as Special Invitees in the Tamilnadu INTUC Working Committee Meetings. But they shall have no voting rights.'

9. The order impugned, shows that any dispute raised by any party regarding the preparation of Delegates List shall be placed before the Election Officer within a period of five days. Thereafter the Election Officer shall decide such disputes and arrive at a decision, which shall be final and binding on all parties. Such a finding would close the avenues for adjudication of election disputes between parties. In other words, right to adjudicate election dispute, which is a basic right cannot be taken away by way of judicial orders. Such a right is a valuable democratic right, may be exercised by any aggrieved person by approaching the competent authority or Court of law as the case may be.

10. In the impugned order, directions are issued for conduct of election. The procedures to be followed by Election Officer also has been stated. Such procedures issued by way of direction in the impugned order is running counter to the procedures contemplated under the Constitution of Indian



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National Trade Union Congress (Tamil Nadu Branch). Such directions by the Courts are normally issued when the Courts finds that election procedures contemplated under the Constitution is ultra virus to any of the statute or the Constitution itself is under challenge. However, during the existence of Constitution, it is to be followed scrupulously for conduct of election amongst Trade Unions. It is not in dispute between the parties that election is to be conducted in accordance with the Constitution, since term of office bearers expired. Therefore, the Trade union has to conduct elections, by following the election procedures contemplated under the Constitution of Indian National Trade Union Congress (Tamil Nadu Branch). In the event of any procedural violations in the election process or conduct of election, an aggrieved person is at liberty to approach the competent forum or Court of law as the case may be for redressal of grievances.

11. Mr.D.Ravichander, learned counsel appearing on behalf of the plaintiffs in the Civil Suit would submit that the cause arose for institution of Civil Suit became vanished. Thus, the plaintiffs have no interest in conducting the suit and therefore, the suit may be disposed of as infructuous.

12. In view of the above submission made on behalf of the plaintiffs, C.S.No.226 of 2024 is disposed of as infructuous. Consequently, the election officer appointed is relieved forthwith. Considering the fact that the Civil Suit



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itself has been disposed of as infructuous and the impugned order dated 15.07.2025 in A.No.2203 of 2025 and C.S.No.226 of 2024 is set aside, the Original Side Appeal stands allowed. Connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q., J.]
27.10.2025

Index:Yes/No
Neutral Citation:Yes/No
mmi/gd

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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