



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.45122 of 2025

& WMP NO. 53422 OF 2025, WMP NO. 50272 OF 2025

Tamilnadu Nugrporul Vaniba Kazhaga Anna Thozhir Sangam
(2934/C.N.I), Rep By its Secretary K.Sivan,
No.12, Thambusamy Road, Kilpauk,
Chennai-600 010.

... Petitioner

Vs.

1. The Managing Director
Tamil Nadu Civil Supplies Corporation,
Head Office, CMRL Building,
Poonamallee High Road, Koyambedu,
Chennai-600 107.

2.The Election Officer
The Additional Labour Commissioner,
Labour Welfare Board Buildings,
6th Floor, DMS Complex, Teynampet,
Chennai-600 006.

3.The Manager (Administration)-1
Tamil Nadu Civil Supplies Corporation
Ltd, Head Office, CMRL Building,
Poonamallee High Road, Koyambedu,



Chennai-600 107.

4. Tamil Nadu Civil Supplies

Corporation Employers Union,

Represented By General Secretary,

Having Office At, No.12, Thambusamy Road,

Kilpauk, Chennai - 600 010.

... Respondents

(R4 Impleaded Vide Order Dated 03.12.2025 Made In W.M.P.53422/2025 in W.P.45122/2025

By DBCJ)

For Petitioner: Mr.G.Purusothaman

For Respondents: Mr.S.Ravi Senior Counsel,
for Mr.C.Selvaraj, for R1 & R3

Mr.A.M.Ayyappan,
Government Advocate, for R2

Mr.V.Prakash, Senior Counsel,
for Mr.Gowtham S.Raman

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records of the impugned Notification of the 2nd respondent herein in proceedings No.Na.Ka.No.Ee/981/2022 dated 27.10.2025 by including Class I and Class II officers as voters for the election to grant recognition to Trade Unions in the 1st respondent corporation and quash the same and consequently to direct the 2nd respondent herein to conduct the election with permanent workmen (Class III



and Class IV) only as voters in the election for recognition of Trade Unions in the 1st respondent's Corporation amended as to call for the records of the Impugned Notification of the 2nd respondent herein in proceedings No. Na.Ka.No.Ee/981/2022 dated 19.11.2025 by including Class I and Class II Officers as voters for the election to grant recognition to Trade Unions in the 1st Respondent Corporation and Quash the same and consequently to direct the 2nd respondent herein to conduct the election with permanent workmen (Class III and Class IV) only as voters in the election for recognition of Trade Unions in the 1st respondents Corporation and pass.

(Prayer Amended *vide* order dated 03.12.2025 made in W.M.P.No.52718/2025 in W.P.45122/2025 by DBCJ)

ORDER

This Writ Petition is filed challenging the impugned notification of the second respondent dated 27.10.2025 and to quash the same and consequently to direct the second respondent herein to conduct the election with Permanent Workmen Class III and IV only as voters in the election for recognition of the trade unions in respect of the first respondent Corporation.



2. Heard Mr.G.Purusothaman, the Learned Counsel for the petitioner and perused the material records of the case.

3. The case of the petitioner is that the petitioner is a registered trade union functioning in the first respondent Corporation. While so, it is stated that now a notification is issued for the purpose of recognising the trade union for negotiating with reference to matters relating to the Workmen with the management. When the notification was issued, it includes Class I and Class II Officers also as voters. Class I and Class II Officers cannot vote because they are not Workmen. Secondly, it also includes seasonal workmen also. The seasonal workmen were always pleaded to be not on the regular rolls by the Corporation. Thirdly, it can be seen that several new persons also are recently appointed and their names and addresses itself are not known to the petitioner trade union, when one of the trade unions which is already recognised is now in an advantageous position to canvass for itself with the new members.



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4. The Learned Counsel for the petitioner would further submit that not even adequate time is granted and it is not even as per the schedule that is mentioned by the Hon'ble Supreme Court of India in ***Food Corporation of India Staff Union vs. Food Corporation of India and Others'***. Therefore, the notification has to be quashed by this Court.

5. Per contra, the Learned Senior Counsel appearing on behalf of the Corporation, by relying upon the definition of the “Worker” in the Industrial Relations Code, 2020, would submit that the worker, for the purpose of this chapter, would include everybody working in the establishment. Therefore, Class I and Class II Officers can also vote. Even with reference to the seasonal workers, already the issue has been settled by this Court in W.P.No.32561 of 2022 and even a Writ Appeal filed against therein also dismissed. Thirdly, adequate time has been given and elaborate arrangements have been made to properly conduct the election. The entire process is also videographed and only

¹ AIR 1995 SC 1344



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if elections are conducted, the representation will be properly known, even to make the recognition as per the newly introduced code. When the process has been commenced as per the existing law and there was nothing in derogatory to the new code and the new code now containing the express provision for recognition, the election should be continued and the order will be passed as per the new code.

6. The Learned Senior Counsel appearing on behalf of the 4th respondent Union would submit that the seasonal workers and the Class I and Class II Officers have been voting even in the previous elections. As a matter of fact, even before the present code came into force, under the Trade Unions Act, 1926, for the definition “trade dispute”, all the persons employed in the establishment are taken into account and it is not the persons who will be otherwise ‘Workmen’ under the Industrial Disputes Act, 1947, alone are taken into account. The membership of the trade union continues even after promotion or



even after retirement. The new code also contains a saving provision under Section 104 and when the recognition of the trade union is deemed to be an implied duty under the erstwhile Industrial Disputes Act, 1947, then the action can be continued and the election has to proceed.

7. I have considered the rival submissions made on either side and perused the material records of the case.

8. As submitted by the Learned Counsel on either side, hitherto there was no express provision for recognition of trade unions for the purpose of negotiating. As a matter of fact, such recognition was done pursuant to the recommendations made in the second Indian Labour Conference, by the Code of Discipline, 1958. The managements were required to recognise trade unions for the purpose of collective bargaining. It was developed as a fair practice and in due course, with the judgments of this Court as well as the judgment of the Hon'ble Supreme Court of India, in certain contexts it was made incumbent of



the managements to recognise trade unions. Be that as it may, now an express statutory provision has come into force for the first time. The entire Section 14 of the Industrial Relations Code, 2020 is extracted hereunder for ready reference:

“14. Recognition of negotiating union or negotiating council

(1) There shall be a negotiating union or a negotiating council, as the case may be, in an industrial establishment having registered Trade Union for negotiating with the employer of the industrial establishment, on such matters as may be prescribed.

(2) Where only one Trade Union of workers registered under the provisions of this Chapter is functioning in an industrial establishment, then, the employer of such industrial establishment shall, subject to such criteria as may be prescribed, recognise such Trade Union as sole negotiating union of the workers.

(3) If more than one Trade Union of workers registered under this Code are functioning in an industrial



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establishment, then, the Trade Union having fifty-one per cent. or more workers on the muster roll of that industrial establishment, verified in such manner as may be prescribed, supporting that Trade Union shall be recognised by the employer of the industrial establishment, as the sole negotiating union of the workers.

(4) If more than one Trade Union of workers registered under this Code are functioning in an industrial establishment, and no such Trade Union has fifty-one per cent. or more of workers on the muster roll of that industrial establishment, verified in such manner as may be prescribed, supporting that Trade union, then, there shall be constituted by the employer of the industrial establishment, a negotiating council for negotiation on the matters referred to in sub-section (1), consisting of the representatives of such registered Trade Unions which have the support of not less than twenty per cent. of the total workers on the muster roll of that industrial establishment so verified and such representation shall be of one representative for each twenty per cent. and for the remainder after calculating the membership on each twenty per cent.



(5) Where any negotiation on the matters referred to in sub-section (1) is held between an employer and a negotiating council constituted under sub-section (4), consequent upon such negotiation, any agreement is said to be reached, if it is agreed by the majority of the representatives of the Trade Unions in such negotiating council.

(6) Any recognition made under sub-section (2) or sub-section (3) or the negotiating council constituted under sub-section (4) shall be valid for three years from the date of recognition or constitution or such further period not exceeding five years, in total, as may be mutually decided by the employer and the Trade Union, as the case may be.

(7) The facilities to be provided by industrial establishment to a negotiating union or negotiating council shall be such as may be prescribed.”

9. It can be seen that the Managements are duty-bound to recognise Trade Unions for negotiating. If any Trade Union has the majority, i.e., 51% and above, it has to be recognised as the sole representative of the workers for the



purpose of negotiating. If there is no Trade Union with 51% and more, a negotiating council has to be constituted by including the representatives of all the Trade Unions which secure more than 20% or above. When that statutory provision has now come into force, it is all the more necessary that the present election be conducted. As a matter of fact, the manner in which the representative capacity is to be ascertained is left for the rule-making authority to prescribe as per Section 14(3) of the Code. Section 99 also specifically empowers the appropriate Government to frame rules in that regard. The fact remains that the rules are yet to be framed by the appropriate Government with reference to this aspect, while the Industrial Relations Code, 2020 come into force with effect from 20.11.2025. It is also further brought to the notice of the Court that Section 104(1) enjoins the Central Government to specifically notify the date of repealing of the Trade Unions Act, 1926 Industrial Employment (Standing Orders) Act, 1946 and Industrial Disputes Act, 1947. Even though the new Act was notified to have come into force, such notification repealing the earlier Act is also not made. Be that as it may, 'recognition', was not under



any express provision of the erstwhile provision of the Acts and as stated above,
a statutory provision has come into force for the first time.

10. In view thereof, it is now incumbent on every Management to recognise the majority union or, in the alternative, to form a negotiating Council with all the trade unions having 20% and above. In that view of the matter, coming into force of the new code has not affected the notification issued by the respondent Corporation. As far as the other grounds are concerned, as pointed out by the Learned Senior Counsel, the definition of the term “worker” under Section 2(zr) of the Industrial Relations Code, 2020 is extracted hereunder for ready reference.

2. In this Code, unless the context otherwise requires -

....

(zr) "worker" means any person (except an apprentice as defined under clause (aa) of section 2 of the Apprentices Act, 1961) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical



or supervisory work for hire or reward, whether the terms of employment be express or implied, and includes working journalists as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and sales promotion employees as defined in clause (d) of section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976, and for the purposes of any proceeding under this Code in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched or otherwise terminated in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957; or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who is employed in a supervisory capacity



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drawing wages exceeding eighteen thousand rupees per month or an amount as may be notified by the Central Government from time to time:

Provided that for the purposes of Chapter III, —
"worker"—

(a) means all persons employed in trade or —
industry; and

(b) includes the worker as defined in clause (m) of section 2 of the Unorganised Workers' Social Security Act, 2008. (emphasis supplied)

11. From the proviso, it can be seen that for the purposes of Chapter III, which is inclusive of the provision to recognise the Trade Union, all the persons employed are to be taken into account. As rightly pointed out by the learned Senior counsel appearing on behalf of the 4th respondent union, even under the erstwhile Trade Unions Act, 1926 the definition was to include all the persons with reference to 'trade dispute' is concerned. In view thereof, the first argument made by the Learned Counsel for the petitioner that Class I and Class II employees cannot vote cannot be sustained.



12. As far as the other ground that is raised, it can be seen that even the seasonal workers were directed to vote and the judgment *inter parties* has become final, as made in W.P.No.32561 of 2022. Further contention that is argued is that adequate time is not given and the schedule as prescribed by the judgment of Supreme Court of India in the ***Food Corporation of India case*** (*cited supra*). is not adhered to. The ratio of the said judgment is that wherever there is a dispute, or in order to have enhanced transparency, it is better to have elections, as there are allegations and counter allegations that are traded with reference to some of the check-off systems, which are not very effective. It is not that the time-line that is given has to be followed in all the elections in the same manner. Suffice to mention that, in the instant case, the time has been prescribed for receipt of nominations, for withdrawal of nominations and for finalisation of the nominations and the election date has been notified as well as the date on which the votes will be counted is also notified. It is also brought on record that the final list of the voters was notified as early as July, 2025. Therefore, it cannot be said that the prejudice is caused to the petitioner union.



It is pleaded that the particulars of some of the new employees are not known. It is for the petitioner union to contact them through their local office bearers if they want to canvas for the votes and even some time is left till today.

13. For all the foregoing reasons, I am unable to sustain any of the challenges that was made to the notification and in view of the new Code, coming into force, this Writ Petition is disposed of on the following terms:-

(i) The prayer of the petitioner to quash the proceedings dated 27.10.2025, as amended on 19.11.2025, stands rejected. The respondents 1 to 3 shall proceed with the election as notified.

(ii) After counting of the votes, further action shall be taken strictly in accordance with Section 14 of the Industrial Relations Code, 2020 i.e., if any one of the trade unions obtains 51% and above, the said union shall be recognised as the negotiating union and if no union crosses 51%, a negotiating



council among all the trade unions obtaining 20% and above shall be formed and thereafter negotiations shall be carried out.

14. With the above said directions, the Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

08-12-2025

Neutral Citation :Yes
bsm

To,
1.The Managing Director
Tamilnadu Civil Supplies Corporation,
Head Office, CMRL Building,
Poonamallee High Road,
Koyambedu, Chennai-600 107

2.The Election Officer
The Additional Labour Commissioner,
Labour Welfare Board Buildings,
6th Floor, DMS Complex, Teynampet,
Chennai-600 006.

3.The Manager (Administration)-1
Tamilnadu Civil Supplies Corporation Ltd,



Head Office,
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4. Tamil Nadu Civil Supplies
Corporation Employers Union,
Represented By General Secretary,
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5. The Government Pleader, High Court, Madras.

D.BHARATHA CHAKRAVARTHY, J.

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