



W.A(MD)No.1872 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1872 of 2025
and
C.M.P(MD)No.10674 of 2025**

V.Murugan

... Appellant /
3rd Respondent

Vs.

1.Tamil Nadu Transport Corporation
Labour Progressive Front,
Karaikudi Region,
Represented by its General Secretary,
M.Pachammal,
S/o.Manickam,
Having office at Managiri,
Karaikudi,
Sivagangai District.

... 1st Respondent /
Petitioner

2.The Joint Commissioner of Labour,
Office of the Joint Commissioner of Labour,
Bharathi Ula Veedhi,
Madurai – 625 002.



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3.The Labour Progressive Federation,
Represented by its General Secretary,
Having Office at 25,
Thiyagarajar Street,
North Usman Road,
Chennai – 600 017.

4.Vincent Amaldoss

... Respondents 2 to 4/
Respondents 1, 2 & 4

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 09.06.2025 in W.P(MD)No.27164 of 2023 passed by the learned single Judge.

For Appellant : Mr.D.Venkatachalam

For Respondents : Mr.K.Jeyamohan

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.This Writ Appeal is directed against the order dated 09.06.2025 allowing W.P(MD)No.27164 of 2023 filed by the first respondent herein. The Tamil Nadu Transport Corporation Labour Progressive Front, Karaikudi Region is a registered trade union. There appears to be a factional dispute between Murugan / the appellant herein on the one hand and M.Pachammal on the other. According to M.Pachammal, the bylaws of the trade union were amended on



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16.04.2023. The amended bylaws were sent under Section 28(3) of the Trade

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Unions Act read with Rule 15(1) of the Tamil Nadu Trading and Regulations, 1927. The Joint Commissioner of Labour, Madurai approved the alterations and registered the same on 11.07.2023. According to the Murugan / the appellant herein, there is no such resolution for authorising the amendment of the bylaws and that Pachammal had committed forgery. He therefore submitted a complaint before the Commissioner of Labour, Chennai setting forth his allegations. The Commissioner of Labour, Chennai referred the matter to the Joint Commissioner of Labour, Madurai. The Joint Commissioner of Labour, Madurai after putting Pachammal on notice, cancelled the earlier registration of the amendment vide order dated 02.11.2023.

3.Assailing the same, the first respondent herein filed W.P(MD)No.27164 of 2023. The learned single Judge vide order dated 09.06.2025 allowed the writ petition and set aside the order impugned therein. Aggrieved by the same, Murugan filed this Writ Appeal.

4.The learned counsel for the appellant reiterated all the contentions set out in the grounds of appeal. According to him, the forgery committed in this case is apparent on the very face of the record. He called upon this Court to set



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aside the order of the learned single Judge and allow this Writ Appeal as prayed

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5.Per contra, the learned counsel for the writ petitioner submitted that the order of the learned single Judge rests on solid legal principles and that it does not warrant interference.

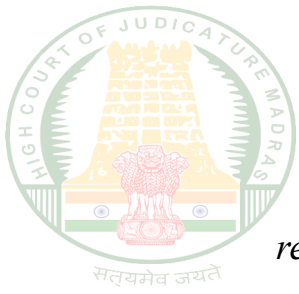
6.We carefully considered the rival contentions and went through the materials on record.

7.Section 28(3) of the Trade Unions Act, 1926 and Section 15(1) of Tamil Nadu Regulations under the Trade Union Act read as follows:

“28>Returns.-

(3) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration.”

“15(1) On receiving a copy of the alteration made in the rules of a trade union sent under Sub-section (3) of Section 28, the Registrar, after satisfying himself that the alteration has been made in the manner laid down by the rules of the trade union and is not inconsistent with any of the provisions of the Act, shall register the alteration in the entry relating to the trade union in the register of trade unions prescribed under



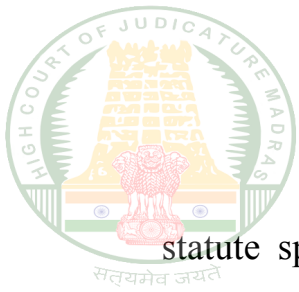
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regulation 4 and deliver to the Secretary of such trade union a copy of the alteration with a certificate appended thereto to the effect that the alteration has been duly registered by him.”

8.The registration of the amendments of bylaws made by the first respondent was on 11.07.2023. If according to the appellant, the registration was bad in law, then the only remedy open to him is to challenge the same by filing a Writ Petition or a civil suit. In fact, the appellant herein had earlier filed W.P(MD)No.18557 of 2023 challenging the amendment of the bylaws. The learned single Judge vide order dated 03.10.2023 did not entertain the writ petition. He relegated the appellant herein to approach the competent civil Court challenging the amendments or move the appellate authority if there is any appeal remedy.

9.Even though in the Trade Unions Act, 1926 there is no specific appeal provision, the appellant herein moved the Commissioner of Labour. The Commissioner of Labour ought to have informed the appellant that the appeal was not maintainable and asked him to go before the civil Court as directed by the High Court. Instead the Commissioner of Labour erroneously referred the matter to the file of the Joint Commissioner and that is how an erroneous order came to be passed. As rightly noted by the learned single Judge, unless the



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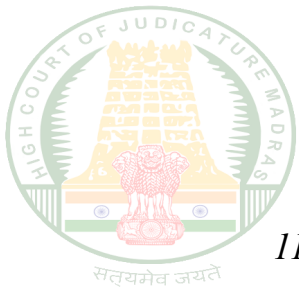
statute specifically confers the power of review, an administrative authority cannot recall his own earlier order. In this view of the matter, the learned single Judge set aside the subsequent order passed by the Joint Commissioner of Labour. Paragraphs 9 to 11 of the order passed by the learned single Judge read as follows:

“9. The issue that now arises for consideration is whether the same authority could issue notices to the parties and conduct a fresh enquiry and recall his order. The Hon'ble Supreme Court in the judgment reported in (2010) 9 SCC 437 in paragraph No. 12, has held as follows:

“12. It is settled legal proposition that unless the statute/rules so permit, the review application is not maintainable in case of judicial/quasi-judicial orders. In the absence of any provision in the Act granting an express power of review, it is manifest that a review could not be made and the order in review, if passed, is ultra vires, illegal and with jurisdiction.”

10. The Hon'ble Supreme Court in the judgment reported in (2019) 9 SCC 416 in paragraph No.13, has held as follows:

“It is settled law that the power of review can be exercised only when the statute provides for the same. In the absence of any such provision in the statute concerned, such power of review cannot be exercised by the authority concerned.”



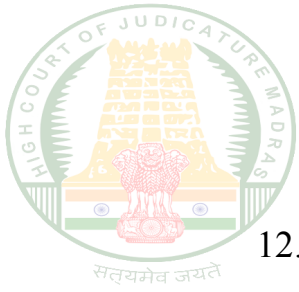
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11. The first respondent herein being a statutory authority, has not been conferred with any express power to review his own order under the Trade Unions Act, 1926. In such circumstances, he cannot review his order dated 11.07.2023 just because a complaint was lodged before the Commissioner of Labour. However, it is open to the private respondents to challenge the amendment of the by-laws or the resolution passed by the General Body, in the manner known to law.”

10.The approach adopted by the learned single Judge cannot be faulted. The appellant has to necessarily move the jurisdictional civil Court for obtaining relief. We make it clear that the merits of the matter have not been gone into.

11.The learned counsel for the appellant states that the appellant will file the suit within a week from the date of receipt of a copy of this order. If any such suit is filed, it shall be numbered immediately and taken on file. The first respondent herein who will be contesting defendant shall enter appearance immediately without waiting for formal summons from the Court. It is enough that the appellant intimates the first respondent. We request the trial Court to give priority for disposal of the suit.



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12.This Writ Appeal stands dismissed. There shall be no order as to

costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
09.07.2025

NCC : Yes / No

Internet : Yes / No

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MGA

To

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