



WEB COPY



W.P. No.4066 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.4066 of 2026

and

W.M.P. Nos.4523, 4525 and 4526 of 2026

All India Defence Employees Federation
Rep by its General Secretary,
Mr. C.Srikumar

..Petitioner(s)

Vs

1. Union of India
Rep by its Secretary
and Chairman of the JCM Departmental
Council of MoD
South Block, New Delhi 110 001
2. The Adjutant General and Chairman
Army Hqrs., JCM III Level Council
IHQ of MOD (Army)
MP-4 (Civ) (JCM and C) West Block -3,
Wing -2, RK Puram, New Delhi 110 066.
3. Air Officer Personnel and Chairman
Air Hqrs., JCM III Level Council
Vayu Bhavan, New Delhi

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the
issuance of a Writ of Certiorarified Mandamus to call for the records in



W.P. No.4066 of 2026

connection with the impugned order dated 05.01.2026 having reference No. 17176 / Constt /13theTerm/AG/MP-4(Civ) (JCM) passed by the 2nd respondent and quash the same, and consequently direct the 2nd and 3rd respondents to conduct the verification of membership of the Trade Union / Federation and Service Associations as per the instructions issued by the 1st respondent dated 11.11.2019 and 30.04.2024 by enforcing the secret ballot system for the employees who have missed the secret ballot system but are coming under the workmen category to choose their representatives and then constitute the 13th Term of JCM III Level Council by 2nd respondent and 12th Term of JCM III Level Council by the 3rd respondent and 12th Term of the JCM II Level Departmental Council of the MoD by the 1st respondent

For Petitioner : Mr. A. Muthukumaran
for M/s.Paul and Paul
For Respondents : Ms.P.J. Anitha

ORDER

This writ petition has been filed to call for the records in connection with the impugned order dated 05.01.2026 having reference No. 17176 / Constt /13theTerm/AG/MP-4(Civ) (JCM) passed by the 2nd respondent and quash the same, and consequently direct the 2nd and 3rd respondents to conduct the verification of membership of the Trade Union / Federation and Service Associations as per the instructions issued by the 1st respondent dated



W.P. No.4066 of 2026

11.11.2019 and 30.04.2024 by enforcing the secret ballot system for the employees who have missed the secret ballot system but are coming under the workmen category to choose their representatives and then constitute the 13th Term of JCM III Level Council by 2nd respondent and 12th Term of JCM III Level Council by the 3rd respondent and 12th Term of the JCM II Level Departmental Council of the MoD by the 1st respondent.

2. It is stated that the petitioner, All India Defence Employees Federation (AIDEF) is a Federation of the Trade Unions of Defence Civilian Employees, was established in the year 1953 and recognised by Ministry of Defence during the year 1954. It is the case of the petitioner that the Ministry recognises federations centrally and that employees falling under the workman category are entitled to join trade unions, whereas non-workmen are permitted to join service associations.

3. It is further stated that the JCM- III Level Council is consisting of the representatives of the Federations / Trade Unions and the Service Associations and these representative slots will be allotted to each Federation /Trade Union and the Service Associations based on their membership strength in the respective Directorates, and the tenure of each JCM-III Level Council is three years. JCM-III Level Council is determined based on the membership strength



W.P. No.4066 of 2026

of federations / trade unions and service associations. Such Membership verification, insofar as workmen are concerned, ought to be conducted only through secret ballot, whereas for non-workmen it is through the check-off system.

4. It is also stated that the 1st respondent / Ministry of Defence, by its communication dated 11.11.2019, 06.10.2023 and 30.04.2024, has categorically clarified that employees covered under the Factories Act, 1948 and the Industrial Disputes Act, 1947, namely the workmen category, cannot be members of service associations and there is a clear prohibition in this regard. It is the specific grievance of the petitioner that despite such clarification, the Army Headquarters (AG's Branch) and Air Headquarters have conducted the membership verification in violation of the said guidelines by excluding several categories of workmen from the secret ballot and by including them under service associations, thereby inflating their membership strength.

5. According to the petitioner, though several representations were submitted by the petitioner in the year 2025 and thereafter reiterating the same grievance in the year 2026, the same were not considered. It is the grievance of the petitioner that without addressing the petitioner's objections on various issues such as including the "Workman" categories like LDC, UDC, Store-



keeping Staff, MTS, Drivers etc., in the Membership list of Associations / CDRA through Check-off system, which are clearly due to violation of MoD's instruction dated 11.11.2019 i.e., the 1st respondent, the 2nd and 3rd respondents proceeded to constitute the 13th JCM-III Council of the Army on 05.01.2026, including representatives of service associations who, in fact, belong to the workmen category and are ineligible to be part of such associations. Aggrieved by the illegal constitution of the JCM Council and violation of statutory guidelines, the petitioner has filed the present writ petition.

6. Learned counsel for the petitioner submitted that the All India Defence Employees Federation is a recognized federation of defence civilian employees and has been representing the interests of workmen category employees for several decades. He would further submit that, as per the applicable rules and clarifications issued by the Ministry of Defence, employees falling under the workmen category are prohibited from becoming members of service associations and are entitled only to be part of trade unions/federations.

7. He vehemently argued that the respondents have treated the service associations on par with trade unions by permitting inclusion of workmen category employees in such associations, which is contrary to the statutory provisions and the clarifications issued by the Ministry. It is his further



submission that the petitioner had, in the year 2026, submitted representations highlighting the said irregularities and specifically pointing out that workmen cannot be permitted to join service associations. However, without considering the said representations, the respondents proceeded to constitute and conduct the 13th Army JCM–III Council.

8. Per contra, the learned counsel appearing for the respondents submitted that the 13th JCM-III Council has already been constituted and, pursuant to the interim restraint order granted by this Court on 04.02.2026, which the respondents have not aware, they proceeded further in respect of the said meeting. She drew the attention of this Court to the earlier order i.e., dated 26.02.2026, whereby the previous order was modified and granted an order of interim stay of the impugned order and all further proceedings, which was also extended until further orders. She further argued that the selection of representatives has been made based on the available membership strength and that there is no illegality in the constitution of the Council. However, she prayed for issuance of suitable directions by this Court in the above regard.

9. This Court has carefully considered the submissions made on either side and perused the materials placed on record.



10. The core grievance of the petitioner is that there is a violation of the 1st respondent /Ministry's own clarifications prohibiting workmen from becoming members of service associations and mandating secret ballot for verification of their membership. According to the petitioner, such violation has materially affected the allocation of representation in the JCM-III Council.

11. In view of the above, without expressing any opinion on the merits of the rival contentions, this Court is of the view that the ends of justice would be met if the petitioner is permitted to submit a comprehensive representation to the competent authority.

12. Considering the grievance of the petitioner, this Court is inclined to grant an opportunity to the petitioner to place all its objections before the competent authority. Therefore, without interfering the order impugned herein, this Court directs the petitioner to submit a detailed representation to the 2nd respondent, if not already submitted, within a period of two weeks from the date of receipt of a copy of this order.

13. On receipt of such representation, the 2nd respondent shall consider the same, in the light of the clarifications issued by the Ministry of Defence, particularly the communications dated 11.11.2019, 06.10.2023 and 30.04.2024,



W.P. No.4066 of 2026

and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner and other necessary parties, within a reasonable period.

14. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.04.2026

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

vsi2

To

1. Union of India
Rep by its Secretary
and Chairman of the JCM Departmental
Council of MoD
South Block, New Delhi 110 001

2. The Adjutant General and Chairman
Army Hqrs., JCM III Level Council
IHQ of MOD (Army)
MP-4 (Civ) (JCM and C) West Block -3,
Wing -2, RK Puram, New Delhi 110 066

3. Air Officer Personnel and Chairman
Air Hqrs., JCM III Level Council
Vayu Bhavan, New Delhi



WEB COPY



W.P. No.4066 of 2026

M. DHANDAPANI, J.

vsi2

W.P. No.4066 of 2026
and
W.M.P. Nos.4523, 4525 and 4526 of 2026

06.04.2026