



W.P.No.11416 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.11416 of 2026
and W.M.P.Nos.12430 and 12431 of 2026

D.Arumugam
General Secretary
Metropolitan Transport Corporation
Oozhiyar Munnerta Sangam
Pallavan Salai (Near Kalaiarangam)
Chennai-600 002

Petitioner

Vs

1.Union of India
Rep. by its Secretary
Ministry of Labour and Employment
Shram Shakti Bhavan, Rafi Marg
New delhi-110 001

2.Government of Tamil Nadu
Rep. by its Secretary
Department of Labour and Skill
Development
Fort St. George, Chennai-600 009

Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring Section 22 of the Industrial Relations Code implemented vide notification bearing Reference No.S.O.5320(E) issued by the Ministry of Labour and Employment dated 21.11.2025 and the subsequent notification issued by the Joint Secretary, Ministry of Labour and Employment, Union of India bearing Reference No.S.O.5683(E) dated 8th December 2025 and Section 2(1A) of the Amendment Act namely "The Industrial Relations Code (Amendment) Act, 2026 (Act No.1 of 2026) dated 16.2.2026 are Ultra vires and unconstitutional in so far as Section 22 of Industrial Relations Code till framing of the required Rules under Section 99 of the Industrial Relations Code and constitution of the Tribunal as per Section 44 of the Industrial Relations Code to inquire the disputes.

For Petitioner: Mr.K.Sudalai Kannu

For Respondents: Mr.AR.L.Sundaresan
Addl. Solicitor General of India
assisted by
Mr.A.Kumaraguru
Senior Panel Counsel for R1

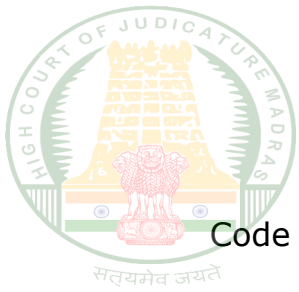
Mrs.E.Ranganayaki
Addl. Government Pleader
for R2

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. This writ petition has been filed under Article 226 of the Constitution of India to declare Section 22 of the Industrial Relations



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Code implemented vide notification bearing Reference No.S.O.5320 (E) issued by the Ministry of Labour and Employment, dated 21.11.2025 and the subsequent notification issued by the Joint Secretary, Ministry of Labour and Employment, Union of India bearing Reference No.S.O.5683(E), dated 08.12.2025 and Section 2(1A) of the Amendment Act, namely the Industrial Relations Code (Amendment) Act, 2026 (Act No.1 of 2026), dated 16.2.2026 are *ultra vires* and unconstitutional in so far as Section 22 of Industrial Relations Code till framing of the required rules under Section 99 of the Industrial Relations Code and constitution of the Tribunal as per Section 44 of the Industrial Relations Code to inquire the disputes.

3. The Union of India has introduced an Amendment Act on 16.02.2026, namely "*The Industrial Relations Code (Amendment) Act, 2026*" introducing Section 104(1A), which reads as under:

"Notwithstanding such repeal under sub-section (1), the functioning of the Tribunals and statutory authorities functioning under the Acts so repealed shall continue to function till such Tribunals and other statutory authorities become functional under this Code."

4. The Union of India has also filed counter-affidavit explaining



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that the jurisdiction of the civil courts which are already exercising jurisdiction will continue and the same has been saved till the new Industrial Tribunals are constituted. In paragraphs 8 to 10, it has been stated as under:

"8. I submit that a careful perusal of the above said notification/provisions would show the intention of the Parliament as well as the first respondent to ensure that there is no vacuum for any legal or administrative decision to be taken.

9. I submit that in the light of the above, the ouster of the jurisdiction of the civil court under Section 22(2) should be read with Section 97 of the Code and the purposive interpretation should be given to Section 104(1A) of the Code that the existing Tribunals have the jurisdiction over Section 22(1) of the Code also.

10. I submit that the suits which are now pending before the civil court can continue to be adjudicated by the respective courts in accordance with law contained under Section 6 of the General Clauses Act, 1897. I submit that the notification under Section 103 of the Code issued on 8.12.2025 and the amendment made by the Parliament introducing Section 104(1A) to the Code actually helps the litigants like the petitioner to ensure that there is no continuity in the dispute adjudication process before the legal forum and there is no vacuum. As such the petitioner is not a person aggrieved and does not have any grievance



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or cause of action to challenge impugned proceeding.”

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5. In view of the above, it would be open for the petitioner to pursue the civil suit, which is already pending. The writ petition is, accordingly, disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
27.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The Secretary
Union of India
Ministry of Labour and Employment
Shram Shakti Bhavan, Rafi Marg
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- 2.The Secretary
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