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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

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THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 23316 of 2026

and

W.M.P.No.25283 of 2026

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Tamil Nadu Electricity Board Engineers' Union
Regd.No.481/KPM
Represented by its General Secretary
R.Govindharajan, AP.1139,
75th Street, 12th Sector, Mathananthapuram,
Chennai - 600 125.

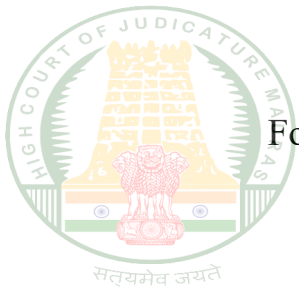
..Petitioner(s)

Vs.

1. The Commissioner Of Labour
Labour Officers' Quarters campus, P-Block,
6th avenue, Anna Nagar,
Chennai - 600 040.
2. The Secretary,
Tamil Nadu Power Distribution Corporation
Limited,
10th floor, Western Wing, NPKRR Maaligai,
144, Anna Salai, Chennai - 600 002.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in Letter No.P2/32764/2025 dated 09.01.2026 read with Letter No.P2/9585/2025, dated .04.2025 issued by the 1st respondent and quash the same and consequently direct the respondent to initiate Conciliation proceedings with regard to the 2(k) dispute raised by the petitioner-Union, vide their representations, dated 05.04.2025.



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For Petitioner(s):

M/s.D.Nagasaila
Dr.V.Suresh
N.S.Tanvi
Kavya.K
Ananya Prabakar

For Respondent(s):

Mr.R.Chakkaravarthy, Govt. Counsel for R-1
Ms.Nalini Claire for M/s.Agam Legal for R-2

ORDER

This Writ Petition is filed praying for issuance of a Writ of Certiorarified Mandamus to call for the records in Letter No.P2/32764/2025, dated 09.01.2026 read with Letter No.P2/9585/2025, dated .04.2025 issued by the first respondent and quash the same and consequently direct the respondent to initiate Conciliation proceedings with regard to the 2(k) dispute raised by the petitioner-Union, vide their representations, dated 05.04.2025.

2. The petitioner is a registered Trade Union under the Trade Union Act, 1926. The members of the petitioner-Union are all employees of the various Departments of the Tamil Nadu Electricity Board and are governed by the Tamil Nadu Electricity Board Service Regulations framed as per the provisions of the Electricity Supply Act, 1948. The employees who acquired B.E. qualifications while in service, were eligible for appointment as Assistant Engineers through internal selection. However, by proceedings No.5, dated 07.07.2022, TANGEDCO restricted the benefit of internal selection only to employees who had acquired the prescribed qualification prior to 07.06.2022, thereby



discontinuing an avenue of career progression for workes. Subsequently, TNPLCL, by Proceedings No.13, dated 17.03.2025, formally amended Regulation 87(10-A) and abolished the method of appointment through internal selection for employees acquiring qualifications after 07.06.2022. The above said amendment is not in compliance with the mandatory requirements of Section 9 of the Industrial Disputes Act. Therefore, the petitioner-Union raised an industrial dispute before the first respondent and requested initiation of conciliation proceedings.

3. The nature of the dispute is as follows:

The Assistant Engineer Post is filled up in two methods in TNEB Limited. One by direct recruitment and another by internal selection in a ratio of 1 : 1 according to the Service Regulations. This method has been followed for 46 years since 1978. Now, internal selection has been dispensed by amending the Service Regulations. The Management has not issued Section 9-A notice specified in the Industrial Disputes Act, to Unions regarding this Service Regulations amendment. The above amendment to the Service Regulations severely affects the service condition of the Technical Assistants and Junior Engineer Grade-II employees (covered under the workman category) by denying the provision to apply for internal selection to the post of Assistant Engineer. This action of the Management is a violation of G.O.No.100, dated 19.10.2010 and the Tri-partite agreement was signed by the Government of Tamil Nadu, TNEB Limited, with Unions/Associations on 12.02.2024.



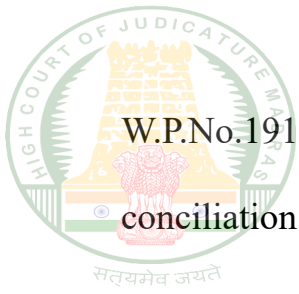
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4. The said industrial dispute is raised for the purpose of conciliation, which was refused and the impugned communication was sent to the petitioner-Union. The main reason for refusing to conduct conciliation and follow the procedures, is on account of the Writ Petition in W.P.No.19170 of 2024 pending before this Court. The said Writ Petition was filed by the Management of TANGEDCO. It is further informed that during the course of the proceedings, the demand made by the Trade Union for the purpose of conciliation proceedings, will be conducted, based on the outcome of the said Writ Petition.

5. Heard both sides and perused the materials available on record.

6. Learned counsel for the petitioner-Union submitted that, when once the conciliation is sought, reflecting the existence of an industrial dispute, the Conciliation Officer has to conduct the conciliation proceedings and follow the procedures prescribed under Section 53 of the Industrial Relations Code, 2020. On the ground of pendency of the said Writ Petition, the reconciliation cannot be postponed.

7. On the other hand, learned counsel for the respondents submitted that, since the issues raised by the Union, had already been the subject matter of the Writ Petition in

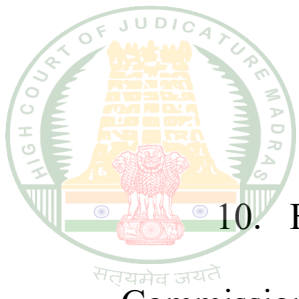


W.P.No.19170 of 2024, the concerned Commissioner of Labour has rightly refused the conciliation proceedings.

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8. Having considered the rival contentions of both sides, as seen from Section 53 of the Industrial Relations Code, if any industrial dispute exists, it is incumbent on the part of the Conciliation Officer to hold conciliation proceedings in the manner prescribed. The only reason for which the conciliation cannot be held, is stated in the proviso to Section 53 of the said Code. The Conciliation Officer shall not hold any such proceedings relating to the industrial dispute after two years from the date on which such industrial dispute arose.

9. Refusal by the Commissioner of Labour/Conciliation Officer in not to conduct the conciliation proceedings, pursuant to the dispute raised by the petitioner-Union on the ground that the Writ Petition is pending, is wholly incorrect. The Writ Petition may be pending, which would be subject to the outcome of the Writ Appeal or subsequent filing of Special Leave Petition (SLP) before the Honourable Supreme Court. Such pendency of the dispute cannot be a hurdle or barrier for the Conciliation Officer to hold the conciliation proceedings, when the proviso makes it mandatory to conduct such conciliation proceedings, when once a dispute arises. As already stated, the only ground on which such dispute can be refused, is the time frame of two years from the date on which such industrial dispute arose.



10. For the above reasons, the impugned communication issued by the Commissioner of Labour, is set aside. The Writ Petition is allowed. The respondents are directed to conduct conciliation proceedings in accordance with the procedures laid down under the Industrial Relations Code, 2020. There shall be no order as to costs. Consequently, the miscellaneous petition is closed.

(K.SURENDER, J)
23-06-2026

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To

1. The Commissioner Of Labour
Labour Officers' Quarters campus, P-Block, 6th avenue, Anna Nagar,
Chennai - 600 040.
2. The Secretary,
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K.SURENDER, J.

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