

In the Court of Labour Court, Kancheepuram

**Present: Tmt.S.Sujatha, M.A., M.L.,
Presiding Officer, Labour Court,
Kancheepuram.**

Friday, the 13th day of February 2026

I.A.No.1/2022

in

I.D.No.8/2020

Royal Enfield,
A Unit of Eicher Motors Limited,
Oragadam,
Kancheepuram District - 602 105.

--- Petitioner/ Respondent

//vs//

Royal Enfield Employees Union,
Rep.by Vice President,
No.5, Dr.Vasudevan Road, Kilpauk,
Chennai - 600 010.

--- Respondent/Petitioner

This petition came up on 05.02.2026 this day for final hearing before this court in the presence of M/s.G.Anandakrishnan, S.Haroon AL Rasheed, AGAM Legal and R.Karthik Advocates for Petitioner/Respondent and M/s.J.Prathaban, S.Rudranath and G.Kavya Advocates for Respondent/ Petitioner and upon perusal of records and having stood over for consideration till this day, this court delivered the following:

ORDER

1. Petition filed by the petitioner/respondent U/sec.11 of the ID Act praying to pass orders dismissing the dispute raised at the instance of union since union has not inclined to pursue the dispute and to pass such further orders.

2. The averments in the petition filed by the Petitioner/Respondent is as follows:

Dispute referred at the instance of union challenging the termination of 54 workmen concerned in the plant at Oragadam and Vallam. Pursuant to the reference, Union has unanimously agreed, on 14.02.2022, not willing to pursue the dispute and has given a letter to that effect, General Secretary of the union also enclosed letter seeking to withdraw the dispute. As the dispute is raised based on the dispute of the union, which has given a letter agreeing to withdraw and had been circulated to that effect it has become just and necessary to dismiss the dispute as not pressed by the Union and to answer the reference accordingly. In the absence of union, the workmen concerned in the dispute cannot pursue the present reference individually as held by Honorable Supreme Court in judgement reported in 1961(1) LLJ 504. The dispute raised by union should be dismissed without any further adjudication in the light of the letter submitted by union. Hence to pass an order dismissing the dispute raised at the instance of union since Union has not inclined to pursue the dispute. Hence this petition.

3. The averments in the counter filed by the Respondent/Petitioner is as follows:

All the allegations are denied as false. This petition is not maintainable either in law or on facts.

As against illegal termination of 54 workmen who are members of the petitioners trade union dispute was raised and as no conciliation arrived, the reference had been made by the Government to this court. Petitioner has filed a memo before this court stating that General Secretary namely Dinesh Babu, Vice President namely Rajesh, Joint Secretaries namely Murugan, Parthiban and Treasurer namely Selvakumar had given a letter withdrawing the dispute and in this regard Affidavit had been filed, for the same objections have been filed by the respondents herein, consequently petitioner has withdrawn the said memo, thereafter this petition is filed to dismiss the dispute.

General Body Meeting was not convened under the head of President of the trade union to with draw the dispute, no demand was made by the members of the union in this regard, some of the office bearers of the trade union in collusion with the petitioner/ management expecting some consideration had gone in favour of the management and they have joined the trade union namely Royal Enfield employees general Union hosted by management, such Office bearers have no connection with the present petitioners Trade union. Petitioner's trade union is functioning till date lawfully.

As per by law of the trade union only President has power to convene meeting in extraordinary situations. Neither General Secretary nor Vice President have power to convene General Body meeting. General Body meeting said to have been convened by the earlier office bearers who have joined hands with the petitioner / management is illegal, unlawful. The

decisions taken in the said meeting will not bind the members of the Trade Union and this dispute.

Convening General body meeting and taking decisions are internal affairs of trade union in which petitioner/management has no right to interfere with. Management in collusion with Ex-office bearers of trade union has fabricated, forged documents, the same will not bind the petitioner's trade union hence to dismiss the petition. 54 Workmen involved in this dispute hence filed petition seeking permission to conduct the case by themselves, for the same union has no objection.

4. In this petition, the petitioner/Respondent has examined PW1 and has marked Ex.P1 and Ex.P2 and PW2 has been examined and no documents marked. On the side of the respondent/petitioner RW1 has been examined and Ex.R1 to R6 are marked and RW2 has been examined and Ex.R7 and Ex.R8 are marked.

5. The point for consideration is whether the petition is to be allowed or not?

6. PW1 has stated in his evidence that respondent union was registered exclusively to espouse the cause of workmen employed in petitioner factory, they have subsequently resigned from union, joined other unions, and have decided to dissolve the respondent union and on 14.02.2022 General Secretary of the union had sent letter and affidavit to this court in this regard, and union

has agreed to withdraw the disputes as well and has decided not to pursue this dispute and hence to allow the petition.

7. Petitioner/management to prove the above said contention had marked letter dated 14.02.2022 said to have been issued by the union as Ex.P1 and copy of the affidavit said to have been signed dated 14.02.2022 by the General Secretary of the Union as Ex.P2.

8. The petitioner/management has examined its Associate Engineering namely Dinesh babu as PW2 who claims to be General Secretary of the Union and he has stated that the resolution passed in the General body meeting of the petitioner's trade union on 06.02.2022 and 18.10.2022 and Registration Certificate of Oragadam and Vallam Unit dated 04.06.2020 has to be marked as exhibits on their side, but despite opportunity given the said documents were not marked as exhibits by petitioner/management. PW2 has further stated that workmen in this dispute have entered into a settlement u/s.12(3) of ID Act and they are continuing their employment under petitioner/management and hence to allow the petition and to dismiss the dispute.

9. To disprove the contention of petitioner /management and to show that trade union has not authorised any of the office bearers to give letter withdrawing the dispute and to show that petitioner's trade union are still functioning, on the side of the petitioner's trade union, Vice President namely R.Sampth is examined as RW1 under authorisation given under Ex.R6 and bylaw of the trade union is filed as Ex.R1, resolution passed by the trade union

on 04.02.2022 as Ex.R2 and order of the Additional Registrar dated 10.10.2023 as Ex.R3 and E-Form related to the years 2022, 2023 to show that the workmen involved in this dispute are its members as Ex.R4 and R5.

10. Further on the side of the respondent Treasurer namely Sathish is examined as RW2 under authorisation given under Ex.R8 and has marked the proceedings of the union on 08.05.2022 as Ex.R7.

11. The main contention of the petitioner/management is that office bearers of the trade union had given a letter agreeing to withdraw the dispute and in this regard memo had been filed before court and hence the dispute cannot be continued to be proceeded. Further contention is that most of the workmen have entered into an agreement with the management and they are no more members of the respondent trade union and hence also the dispute cannot be pursued.

12. It being so, the contention of the respondent's trade union is that some of the Office bearers of the union joining hands with the petitioner management in order to enrich themselves in collusion with management had acted upon and the management has fabricated forged documents as if union has settled the matter amicably but no such resolution was passed by the union by convening General body meeting as required by the bylaw and as such any letter said to have been given by the Ex-office bearers of the union are not binding the members of the union or the workmen involved in this dispute.

13. If as stated by the petitioner /management the workmen involved in this dispute had amicably settled the issue with the management as claimed by the petitioner/management and if on behalf of the trade union the issue had been decided to be withdrawn without any further proceedings, the office bearers who are said to have given the letter to the management withdrawing the dispute ought have come before this court and ought have given their evidence or statement in this regard but they have failed to do so only PW2 had given evidence in support of petitioner/management. Whether PW2 had been authorised by union to withdraw the dispute is to be decided only after an elaborate trial, as it is objected by union stating PW2 was not authorized by union to withdraw the dispute. Further the memo said to have been given by the Office bearers of the trade union is not presented before court by the trade union authorities. It is presented before court only on the side of the petitioner/management.

14. When this court had doubt whether office bearers of the trade union are willing to pursue the dispute, directed for the appearance of the office bearers before court. Two of the office bearers appeared through online mode and President of the trade union namely Thiru.Kuselar even in his very old age appeared before this court in person along with RW1 who is Vice President of the union and they have categorically represented before this court that no letter was given to the petitioner/management withdrawing the dispute and had categorically stated they want to continue to proceed with the dispute.

15. In such circumstances this court is of considered view that the plea of the petitioner/management that dispute to be dismissed based on the letter given by the office bearers of the trade union and based on the settlement entered into between the workman involved in this dispute is unsustainable. When it is claimed settlement u/s.12(3) of ID Act had been entered into between the workmen in this dispute and Management the same not produced.

16. If at all dispute has to be withdrawn, it has to be done only by the respondent union and not on the application filed by the petitioner/management. The plea of the petitioner/management that this dispute to be dismissed is not maintainable as such it is liable to be dismissed with cost.

In the result petition is dismissed on cost of Rs.3000/- to respondent union.

This order has been dictated by me to the Steno-Typist, typed by her in the computer, corrected and pronounced by me in the Court on this 13th February 2026.

Sd/-S.Sujatha
Presiding Officer,
Labour Court,
Kancheepuram

List of witnesses examined

For the Petitioner/Respondent:

P.W.1 Mohan Kumar

P.W.2 R.Dineshbabu

For the Respondent / Petitioner:

RW1 R.Sampath

RW2 Sathish

List of exhibits marked

For the Petitioner/Respondent:

Ex.P1	14.02.2022	Copy of letter issued by the union
Ex.P2	14.02.2022	Copy of affidavit signed by the General Secretary of Union.

For the Respondent/ Petitioner:

Ex.R.1		Copy of Bylaw of the Respondent's trade Union
Ex.R.2	04.02.1022	Copy of resolution passed by the respondent trade union
Ex.R.3	10.10.2023	Copy of Order of Additional Registrar of Union
Ex.R.4	2022	Copy of Form-E
Ex.R.5	2023	Copy of Form-E
Ex.R.6	12.11.2024	Original of Authorisation letter given to RW1
Ex.R.7		Copy of proceedings for union meeting.
Ex.R.8	17.02.2025	Original of Authorisation letter given to RW2

Sd/-S.Sujatha
Presiding Officer,
Labour Court,
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