

W.A.No.3592 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

W.A.No.3592 of 2025
and C.M.P.No.29541 of 2025

Tamilnadu Nugarporul Vaniba Kazhaga
Anna Thozhir Sangam (2934/C.N.I)
Represented by its Secretary K.Sivan,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

... Appellant

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office: No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

Now at
Head Office, CMRL Building,
Poonamallee High Road,
Koyambedu, Chennai-600 107.

2.Tamil Nadu Civil Supplies
Corporation Employees Union,
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

... Respondents



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PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order in W.P.No.32561 of 2022 dated 15.07.2025 and allow the above writ appeal.

For Appellant : Mr.G.Purusothaman

For Respondents : Mr.C.Selvaraj,
Panel Advocate for TNCSC
(for R1)

Mr.Gautam S. Raman (for R2)

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH, J.)

For the purpose of assessing the representative character of the Unions and for recognizing them, the Tamil Nadu Civil Supplies Corporation had issued a notice dated 15.11.2022, appointing the Additional Commissioner of Labour as the Returning Officer and calling upon all the Trade Unions under the Corporation, to submit details of their registration-cum-address, phone numbers, postal address etc. Claiming that the election also includes the seasonal employees along with the permanent employees as the voters, which is impermissible, the appellant Trade Union had filed the Writ Petition in WP.No.32561 of 2022 before



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this Court. On 15.07.2025, the Writ Petition was dismissed on the ground that the seasonal workers will also come under the definition of workman, for which purpose, reliance was placed on a judgment in '*Srinivasa Rao & others Vs. The Commissioner*' reported in *2010 (2) U.P.L.J. 166 (HC)*. This order of dismissal is put under challenge in the present Writ Appeal.

2. The elections for recognition of Trade Unions in the Corporation requires to be conducted once in five years and the Trade Unions, who secure more than 50% of votes alone are considered as recognised Unions. The first such election was conducted in the year 2009 and thereafter, the office bearers therein have been successfully preventing the conduct of any further elections.

3. In WP.No.1633 & 15464 of 2015, the appellant Union along with the Tamil Nadu Civil Supplies Corporation Employees Union, had earlier challenged a similar notice dated 13.11.2014 and by virtue of the interim orders, the conduct of further elections were stalled. Ultimately, on 28.11.2019, a learned Single Judge of this Court, had dismissed the Writ



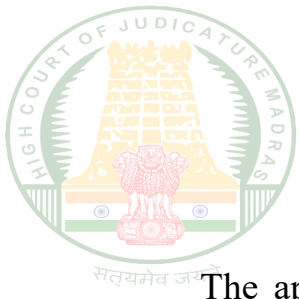
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Petitions by frowning upon the conduct of the Trade Unions and directed the Corporation to conduct the election, as expeditiously as possible, preferably within 6 months. The relevant portion of the order reads as follows:-

... “19. Accordingly, the relief, as such, sought for in these writ petitions cannot be granted in view of the fact that the elected office bearers of the Unions of the year 2009, are continuing for about 10 years, which is more beyond the period of tenure of 5 years fixed in the Guidelines. Thus, the respondent-Corporation is directed to take all steps to conduct the elections as expeditiously as possible and complete the elections preferably within a period of six months from the date of receipt of a copy of this order. All the elected office bearers of the Unions, who all are continuing beyond the tenure of 5 years, shall not take any major decision or policy decision, till such time, the elections are conducted and results are declared by the authority competent.”....

4. Though the Writ Petitions were dismissed on 28.11.2019, the notice calling upon for subsequent election was made only on 15.11.2022.

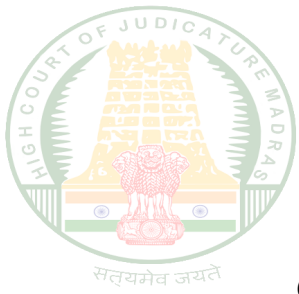


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The appellant herein was the petitioner in WP.No.15464 of 2015. This time, an attempt has been made to stall the election by the same Union on a frivolous ground that the seasonal employees cannot be included in the voters list. No provision of law or other legal embargo has been pointed out in the grounds raised in support of this Writ Petition.

5. The learned Single Judge had rightly observed that the seasonal workers will fall squarely under the definition of a ‘workman’ under the Trade Unions Act and there is no embargo for them to exercise the franchise in the forthcoming election. This apart, in spite of the fact that any adverse order passed in these Writ Petitions may equally affect the other Trade Unions, none of them have been made as party respondents. Above all, what has been put to challenge in the Writ Petition, is only a notice, informing all the Trade Unions about the appointment of the Returning Officer and calling for the particulars of the Trade Unions only. It is rather unfortunate that such a notice has been put to challenge, when no prejudice would be caused to the appellant Union from the notice. The Writ Petition is misconceived and has been preferred with an ulterior motive, apparently to stall the election.



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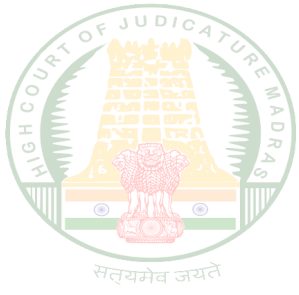
6. The Writ Court, while passing orders in WP.Nos.1633 & 15464 of 2015, has refrained all the existing elected office bearers, who had continued beyond the tenure of five years, from taking any major decision or policy decision till the elections are conducted. We reiterate to the Transport Corporation to strictly adhere to the directions therein. Thus, we do not find any valid reasons or grounds to interfere with the order passed in the Writ Petition.

7. Accordingly, the Writ Appeal stands dismissed. The first respondent Corporation shall take all efforts to complete the elections pursuant to the impugned notice dated 15.11.2022 challenged in WP.No.32561 of 2022 dated 15.11.2022, within a period of three (3) months from the date of receipt of a copy of this judgment. No costs. Connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V.,J]

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Index: Yes
Speaking order
Neutral Citation: Yes
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To

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office:
No.12, Thambusamy Road,
Kilpauk, Chennai-600 010

Now at
Head Office, CMRL Building,
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2.Tamil Nadu Civil Supplies
Corporation Employees Union,
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