

(2004) 08 KAR CK 0058
In the Karnataka High Court
Case No : W.A. No's. 3503 to 3505 of 2000

Karnataka State Road Transport Corporation	APPELLANT
Vs	
K.S.R.T.C. Staff and Workers Federation and Others	RESPONDENT

Date of Decision : 10-08-2004

Acts Referred:

Constitution of India, 1950 — Article 19 (1) (c), 19 (4)
Trade Unions Act, 1926 — Section 24

Citation : (2005) 104 FLR 691 : (2004) ILR (Kar) 5008 : (2004) 6 KarLJ 563 :
(2004) 4 KCCR 381 SN : (2005) 1 LLJ 874

Hon'ble Judges : S. Abdul Nazeer, J;P. Vishwanatha Shetty, J

Bench : Division Bench

Advocate : Ashok Haranahalli, for the Appellant; M.C. Narasirahan for Narayanaswamy, for R1 to R3, A.N. Jayaram, General and Smt. Ratna N. Shivayogimath, Govt. Pleader, for the Respondent

Judgement

P. Vishwanatha Shetty, J.—In these appeals, the appellant has called in question the correctness of the order dated 20th March 2000 made in Writ Petition Nos. 7601 to 7603 of 1997 by the learned Single Judge, wherein he has struck down Regulations 9(5) and 9(6) of the Karnataka State Road Transport Corporation (Conduct and Discipline) Regulations, 1971 (hereinafter referred to as "the Regulations") on the ground that the said Regulations are violative of the rights guaranteed to the petitioners under Article 19(I)(c) of the Constitution.

2. The appellant in this appeal is the Karnataka State Road Transport Corporation (hereinafter referred to as "the Corporation"). The 1st respondent is the Karnataka State Road Transport Corporation Staff and Workers Federation (hereinafter referred to as "the Federation") and the respondents-2 and 3 are the members of the Federation in the cadre of Superintendent and Security Guard in the establishment of the Corporation. The respondents-1 to 3 filed Writ Petition Nos. 7601 to 7603 of 1997 before this Court challenging the validity of Regulations 9(5) and 9(6) of the Regulations inter alia contending that the said Regulations violate the right to form an association given to them under Article

19(1)(c) of the Constitution of India and it is not a reasonable restriction imposed by the State under Article 19(4) of the Constitution and on various other grounds. The learned Single Judge heard the said Writ Petitions along with other connected Writ Petitions referred to in the order impugned in these appeals. Since we are concerned in these appeals only with regard to the conclusion reached by the learned Single Judge in the Writ Petition Nos. 7601 to 7603 of 1997; and it is convenient to deal with the appeals filed challenging the correctness of the order" made in the other connected Writ Petitions separately, we find it unnecessary to refer to the grievance made in other connected Writ Petitions in these appeals and we are confining ourselves in this judgment only with regard to the grievance made against the Order made by the learned Single Judge in Writ Petition Nos. 7601 to 7603 of 1997.

3. In the Writ Petitions the respondents - 1 to 3 have prayed for quashing of two Government orders dated 13th February 1997; and the order according approval for insertion of sub-regulations (5) and (6) to Regulations 9 of the Regulations, copies of which have been produced as Annexure A and C to the Writ Petitions and also for quashing of the Government Orders dated 13th February 1997, copies of which have been produced as Annexure-B and D to the Writ Petitions incorporating sub-regulations (5) and (6) to Regulation 9 and also setting out who should be treated as supervisory personnel and security personnel. A prayer was also made to quash the Circular dated 17th February 1997 issued by the Corporation notifying the amendment of Regulation 9 by incorporating sub-regulations (5) and (6) and also excluding the supervisory and security staff from participating in the activities of the trade union. The learned Single Judge in the light of the rival contentions advanced by the counsel appearing for the parties at paragraph 21 of the order formulated five questions for consideration. They read as hereunder:

"1. Whether the impugned Regulation is in violation of the fundamental right guaranteed under Article 19(1)(c) of the Constitution of India? Alternatively, whether the said Regulations are protected under Article 19(4) of the Constitution?

2. Whether the impugned Regulations take away the rights guaranteed to the petitioners under the provisions of the Indian Trade Unions Act?

3. Whether the impugned Regulations are to be termed as unfair labour practice within Schedule V of the Industrial Disputes Act?

4. Whether the State Government has necessary power and jurisdiction to impose such restrictions in exercise of the powers granted to them u/s 45(2)(c) of the RTC. Act, which is a special Act?

5. Whether the said Regulations can be treated as a misconduct?"

So far as the first question is concerned, the learned Judge took the view that the impugned Regulations violate the right guaranteed to respondents - 1 to 3

under Article 19(1)(c) of the Constitution of India and are also not saved under Article 19(4) of the Constitution. According to the learned Judge, in the light of the law enunciated by the Supreme Court in the case of Kameshwar Prasad and Others Vs. The State of Bihar and Another, ; in the case of O.K. Ghosh and Another Vs. E.X. Joseph, , and in the case of Smt. Damayanti Naranga Vs. The Union of India (UOI) and Others, , and more particularly in the case of Damayanthi Naranga (supra), the impugned Regulations take away the right guaranteed to the supervisory and security staff of the Corporation to continue their membership of the 1st respondent - Federation of which they have been members all these years and therefore, the impugned Regulations are invalid in law. Further, while noticing the contention of the learned Counsel for the Corporation as to whether the impugned Regulations take away the rights guaranteed to respondents-1 to 3 under the provisions of the Indian Trade Unions Act (hereinafter referred to as "the Trade Union Act"), the learned Judge also took the view that if the supervisory and security staff are prevented from being associated in any manner with the Federation, the Federation will not be able to represent the supervisory and security staff u/s 36 of the Industrial Disputes Act, 1947 (hereinafter referred to as "the I.D. Act"). On the questions, whether the impugned Regulations should be treated as unfair labour practice within the meaning of Schedule V of the I.D. Act and whether the State Government had necessary power and jurisdiction to impose the restrictions in exercise of the powers granted to it u/s 45(2)(c) of the Road Transport Corporation Act (hereinafter referred to as "the Act") and whether the Regulations could be treated as a misconduct i.e., with regard to the questions 3, 4 and 5, he left open the said questions without conclusively recording any finding on the said questions. However, at paragraph 34 of the order, the learned Judge took the view that a careful reading of Schedule V of the I.D. Act and more particularly items 1, 3 and 4 of the Schedule given to the I.D. Act would show that the impugned Regulations would interfere with the right of the workmen to have an Association of their choice. The learned Judge also took the view that the Trade Union Act is a special Act and that should prevail over the impugned Regulations.

4. Sri Ashok Haranahalli, learned Counsel for the appellant and Sri A.N. Jayaram, learned Advocate General appearing for the 4th respondent - State Government challenging the correctness of the conclusion reached by the learned Judge that the impugned Regulations are unconstitutional strongly urged that the finding recorded by the learned Judge that the impugned Regulations are violative of the right guaranteed to the respondents -1 to 3 under Article 19(1)(c) of the Constitution and they are also not saved under Article 19(4) of the Constitution, is totally erroneous in law. They also submitted that the reliance placed by the learned Single Judge in the case of Kameshwar Prasad, O.K. Ghosh and Damayanthi Naranga (supra) is also erroneous in law, as according to them the facts of the said case and the Rules which came up for consideration in the said cases have no bearing to the facts of the present case and the impugned

Regulations. They pointed out that the impugned Regulations do not totally ban the right of the supervisory and the security staff to form an Association and what is prohibited under the impugned Regulations is that the supervisory and security staff should not associate themselves as members of the Trade Unions or a Federation or Association formed by the Workers. They pointed out that the impugned restrictions have been imposed keeping in mind the larger interest of the Corporation and the public interest. According to them since the supervisory and security staff have very important duties assigned to them and a very important role to play while dealing with other workmen of the Corporation, if they are allowed to associate themselves with the Workers Union or Federation or allowed to become members of the said Union or Federation, it would seriously affect the interest of the Corporation and working of the Corporation which in turn would seriously affect public interest. It is their submission that the impugned Regulations, while does not impinge on the rights guaranteed to the supervisory and security staff of the Corporation under Article 19(1)(c) of the Constitution, even if it is to be held that it violates the said provision, the same is protected under Article 19(4) of the Constitution; and as such restrictions could be considered as a reasonable restriction imposed by the State in the interest of public order of morality. They also referred to the averments made in the statement of objections justifying the framing of the impugned Regulations. They pointed out that the approach made by the learned Judge that the impugned Regulations would take away the rights of the supervisory/security staff from continuing as members of the Federation or other Unions to which they have been members; and therefore, the Regulations in question should be declared as unconstitutional is erroneous in law. It is their submission that the validity of the Regulations is required to be considered independently on the touchstone of the reasonableness of the Regulations made keeping in mind the provisions contained under Article 19(4) of the Constitution. In support of their submissions they referred to us the decisions of the Supreme Court in the case of Delhi Police Non-gazetted Karmachari Sangh and Others Vs. Union of India (UOI) and Others, ; in the case of INTELLIGENCE BUREAU EMPLOYEES ASSOCIATION AND ORS. v. UNION OF INDIA AND ORS., (1997) 11 SCC 348 ; in the case of DAMYANTI NARANGA v. THE UNION OF INDIA AND ORS. (Supra); in the case of Ramji Lal Modi Vs. The State of U.P., ; in the case of THE SUPERINTENDENT, CENTRAL PRISON; FATEHGARH AND ANR. v. DR. RAM MANOHAR LOHIA, AIR 1960 SC 639 ; in the case of Dalbir Singh and Others Vs. The State of Punjab, , in the case of KAMESHWAR PRASAD AND ORS. v. STATE OF BIHAR AND ANR. (Supra), in the case of O.K. GHOSH & ANOTHER v. E.X. JOSEPH (Supra), in the case of M.H. Devendrappa Vs. The Karnataka State Small Industries Development Corporation, and in the case of Ous Kutilingal Achudan Nair and Others Vs. Union of India (UOI) and Others, .

5. However, Sri M.C. Narasimhan, learned Senior Counsel appearing along with Sri Narayanaswamy while strongly countering the submissions made by the learned Advocate General and Sri Ashok Haranahalli, learned Counsel for the

appellant supported the conclusion reached by the learned Single Judge. It is his submission that since the supervisory and security staff have all these years been the members of the Federation, unless there is a strong ground made out, right to continue as the members of the Federation cannot be taken away by framing the impugned Regulations. He points out that the impugned Regulations cannot be sustained seeking protection under Article 19(4) of the Constitution as they are not reasonable restrictions imposed keeping in the interest of public order or morality. According to the learned Counsel, the Corporation and the State having failed to place any material before the Court justifying the framing of the Regulations which on the face of it interferes with the right of the existing supervisory and security staff to continue to be members of the Federation and such of those staff who would like to become members of the Federation, the learned Judge was fully justified in taking the view that the impugned Regulations are liable to be struck down as unconstitutional and as being violative of the rights guaranteed to the security and supervisory staff under Article 19(1)(c) of the Constitution. He also referred to us the decisions in the case of KAMESHWAR PRASAD AND ORS. v. STATE OF BIHAR AND ANR. (Supra), in the case of O.K. GHOSH AND ANR. v. E.X. JOSEPH (Supra) and in the case of DAMYANTI NARANGA v. THE UNION OF INDIA AND ORS. (Supra), M.H. DEVENDRAPPA v. THE KARNATAKA STATE SMALL INDUSTRIES DEVELOPMENT CORPORATION (Supra), Moti Ram Deka etc. Vs. General Manager, N.E.F. Railways, Maligaon, Pandu, etc., in the case of Sakal Papers (P) Ltd. and Others Vs. The Union of India (UOI), ; I.T.C. Ltd. Workers Welfare Association and Another Vs. The Management of I.T.C. Ltd. and Others, ; M. Nagendrappa Vs. Commercial Tax Officer, Harapanahalli, . In the case of All India Reserve Bank Employees Association Vs. Reserve Bank of India, , in the case of B. Manmohan and Others Vs. State of Mysore and Others, , in the case of Dr. V.K. Javali Vs. State of Mysore and Another, ; D.A.V. College, Vs. State of Punjab and Others, in the case of Mythic Society by K. Narayana Iyengar and Ors. v. STATE OF Karnataka and Ors. ILR 1979 KAR 1111, Vikramaditya Pandey Vs. Industrial Tribunal and Another, , in the case of Dyna Foods Pvt. Ltd., Dharwar Vs. Fakirappa and others, .

6. Sri M.C. Narasimhan, secondly pointed out that the effect of the amendment is two-fold. Firstly, it is intended to interfere with the right of the workmen including the supervisory and security staff to carry on their legitimate trade union activities. Secondly, it takes away the right of a section of the employees i.e., supervisory and security staff, of their bargaining capacity. Elaborating this submission, he pointed out that the strength of the Union or Workmen's Association depends upon its membership strength; the whole object of framing the impugned Regulation is to reduce the strength of the members of the Federation. In support of his submission that the strength of a trade union depends upon its membership, he relied upon the decision of the Supreme Court in the case of B.R. Singh and others Vs. Union of India and others, . It is also his submission that the right to form an association implies in it the right to continue

as a member of the Association. In support of this submission, he relied upon the decision of the Supreme Court in the case of DAMYANTI NARANGA (supra). According to him a settlement was entered into between the management and the workmen in the year 1993 and pursuant to the said settlement, the Federation has been recognised by the Corporation and in the light of the decision of the Supreme Court in the case of Management of Karnataka State Road Transport Corporation Vs. KSRTC Staff and Workers' Federation and Another, , it is not permissible to frame the impugned Regulations and make an attempt to take away the effect of the decision of the Supreme Court rendered in the case of Kameshwar Prasad (supra). Thirdly, he submitted that since the Trade Union Act and I.D. Act are special enactments, the provisions of the said enactments would prevail over the impugned Regulations. In support of this submission, he referred to us the Full Bench decision of this Court in the case of Pandavapura Sahakara Sakkare Kharkhane Ltd. Vs. The Presiding Officer, Additional I.T., . Therefore, he submits that since the impugned Regulations run counter to Schedule V given to the I.D. Act, the impugned Regulations are liable to be struck down only on that ground. He submitted that the supervisory staff even if they are not workmen, they could still be treated as workmen in the dispute between them and the Corporation. He also pointed out that Regulation 13 of the Regulations provides that supervisory staff are Class - III staff and security personnel belong to Class - IV and the Regulations deals with Class - III and Class - IV employees of the Corporation; and that being the position, there is absolutely no justification to frame the impugned Regulations to take away the right of the supervisory and security staff continuing to be members of the Federation. Elaborating this submission, he pointed out that the Corporation has always treated the supervisory and security staff on the same footing with the other workmen and all of them belong to Class - III and Class - IV under Regulation 13 of the Regulations and this policy having been accepted and specified by all the settlements entered into by the management and the recognised Trade Union and their grievances have been negotiated and implemented, there is absolutely no justification to frame the impugned Regulations. In this connection, he read to us the various settlements entered into between the Corporation and the workmen. Finally, he submitted that the impugned Regulations also should be struck down as unfair labour practice.

7. However, the learned Advocate General and Sri Ashok Haranahalli in their reply to the submission of Sri Narasimhan submitted that the right of the Federation to represent the supervisory or security staff is not taken away u/s 36 of the I.D. Act. They also pointed out that the supervisory and security staff are free to form their own association. It is also open to the Federation or other workers association to represent the cause of the supervisory and security staff. Therefore, they pointed out that the grievance made out by the Federation and two persons who have filed Writ Petitions espousing the cause of supervisory and security staff is merely imaginary and without any substance.

7A. In the light of the rival submissions made by the learned Counsel appearing

for the appellant and the respondents, the only question that would arise for consideration in these appeals is as to whether Regulations 9(5) and 9(6) of the Regulations are liable to be struck down as unconstitutional on the grounds urged by the learned Counsel appearing for respondents - 1 to 3?

8. Regulations 9(5) and 9(6) of the Regulations, on which serious attack is made by Sri M.C. Narasimhan, read as follows:

"(5) Notwithstanding anything contained in the Regulations, the Supervisory cadre of employees and above shall not associate themselves and or be Members of any Trade Union and or Federation and or Association formed by the workers. They shall also not associate with or be members of any Trade Union and or Federation and or Association formed by any other Class of Employees in the Corporation.

For the purpose of this Regulation, the Supervisory category shall include:-

- 1) Traffic Inspector
- 2) Chargeman
- 3) Chargeman (Printing)
- 4) Divisional Security Inspector
- 5) Inspector of Accounts
- 6) Junior Engineer
- 7) Draughtsman
- 8) Stenographer (Senior)
- 9) Store Keeper
- 10) Supervisor (Accounts)
- 11) Supervisor (Administration)
- 12) Supervisor (Statistical)
- 13) Supervisor (Labour)
- 14) Assistant Traffic Superintendent
- 15) Assistant Works Superintendent
- 16) Supervisor (Electrical)
- 17) Technical Superintendent
- 18) Personal Assistant
- 19) Stores Superintendent
- 20) Superintendent (Administration)

- 21) Superintendent (Accounts)
- 22) Superintendent (Statistical)
- 23) Assistant Engineer
- 24) Head Artisan
- 25) Assistant Traffic Inspector

And any other category that may be included in future in the Supervisory category.

(6) Notwithstanding anything contained in the Regulations, the Security Personnel shall not associate themselves and or be members of any Trade Union and or Federation and or Association formed by the workers. They shall also not associate with or be members of any Trade Union and or Federation and or Association formed by any other Class of employees in the Corporation.

For the purpose of this Regulation, Security Personnel shall include:-

- 1) Divisional Security Inspector
- 2) Assistant Security Inspector
- 3) Watch and Ward Inspector
- 4) Security Havildar
- 5) Security Head Guard
- 6) Security Guard

Now, we will proceed to consider each one of the questions formulated by the learned Judge for consideration.

Regarding Question 1:

As noticed by us earlier, the learned Judge has struck down Regulations 9(5) and 9(6) of the Regulations on the ground that it is violative of the right guaranteed to the supervisory and security staff under Article 19(1)(c) of the Constitution and it is not saved under Article 19(4) of the Constitution. However, we find it difficult to agree with the views expressed by the learned Judge. While Article 19(1)(c) guarantees all citizens of this Country the right to form an association or union, sub-clause (4) of Article 19 provides that nothing in sub-clause (c) of Article 19(1) shall affect the operation of any existing law in so far as it imposes, or prevents the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right to form an association guaranteed under Article 19(1)(c) of the Constitution. Therefore, the reading of Article 19(1)(c) along with sub-clause (4) of Article 19 of the Constitution makes it clear that it is permissible for the State to make any law in the interest of the sovereignty and

integrity of India or public order or morality, providing for reasonable restriction on the exercise of a right to form an association guaranteed under Article 19(1) (c) of the Constitution of India. The Regulation 9(5) of the Regulations referred to above prohibits the supervisory cadre of employees and above from associating themselves and or be members of any trade union and or federation and or association formed by the workers. It also further provides that they shall not associate with or be members of any trade union or federation and or association formed by any other class of employees in the Corporation. For the purpose of the said Regulation, the several persons referred to in the said Regulations are treated as persons falling within the category of supervisory staff. Sub-clause (6) of Regulation 9 imposes similar restrictions so far as security staff of the Corporation are concerned. The effect of the Regulations 9(5) and 9(6) appears to us is that the said Regulations only prohibits the supervisory and security staff of the federation from either continuing or becoming members or in any other manner associating themselves with an association formed by the workers or any other class of employees in the Corporation other than the category to which they belong. It is not possible to read from the said Regulation as contended by Sri Narasimhan that there is a total prohibition for the supervisory and security staff of the Corporation from forming an association or a federation or becoming members of a trade union to be constituted by them. We find considerable force in the submission of the learned Advocate General and Sri Ashok Haranahalli that the impugned Regulations only prohibit the supervisory and security staff from continuing or becoming members of a federation or association formed by the workers or any other class of employees of the Corporation other than the class to which they belong to. Therefore, the curtailment of the rights of the employees belonging to the supervisory and security staff guaranteed to them under Article 19(1)(c) of the Constitution is partial and is only limited to the extent it is indicated by us above. Therefore, while we are unable to accede to the submission of the learned Advocate General that there is no encroachment of the right to form an association guaranteed to the supervisory and security staff of employees of the Federation, the question that remains to be considered is whether the restriction imposed can be considered as a reasonable restriction imposed in the interest of public order or morality under Article 19(4) of the Constitution. So far as the impugned Regulations are concerned, it is the contention of the appellant and the State that the impugned Regulations have to be considered as reasonable restrictions imposed on the rights of the supervisory and security staff in exercise of the power conferred under Article 19(4) of the Constitution. According to the learned Counsel appearing for the appellant and the learned Advocate General a reasonable restriction imposed in the interest of public order or morality is not violative of Article 19(1)(c) of the Constitution. We find considerable force in the said submission. It is now well settled by the decision of the Supreme Court in the case of Kameshwar Prasad (supra) that the maintenance of discipline among Government Servants not only contributes to maintenance of public order but is a *sine qua non* for public order. In this connection, it is useful to refer to the

observation made by the Apex Court in the said decision at paragraph 16 of the judgment which reads as hereunder:

"16. If one had to consider the propriety of the rule as one intended to ensure proper discipline apart from the, limitations on law-making in a Government servant and in the context of the other provisions made for the making of representations and for the redress of service grievances, and apart from the limitations imposed by the Constitution there could be very little doubt nor would it be even open to argument that the rule now impugned was both reasonable and calculated to ensure discipline, in the Services and in that sense conducive to ensure efficiency in the Service. Based on this aspect of the function of the rule the argument as regards Article 19(2) and (3) was put on a two-fold basis: (1) that the maintenance of public order was directly dependent upon the existence of a body of Government servants who were themselves subject to strict discipline. In other words, the maintenance of discipline among Government servants not only contributed to the maintenance of public order. (2) The other aspect in which it was presented was the negative of the one just now mentioned that if Government servants were ill- disciplined and were themselves to agitate in a disorderly manner for the redress of their service grievances, this must lead to a demoralisation of the public and would be reflected in the disappearance of public order."

It is not in dispute that the Corporation is an instrumentality of the State and has been established by the Government of Karnataka in exercise of the power conferred on it u/s 20 of the Road Transport Corporations Act. The impugned Regulations are part and parcel of the Conduct and Discipline Regulations framed by the Corporation governing the conduct of the servants of the Corporation. The regulations in question are intended to ensure discipline in the service and in that sense calculated to ensure efficiency in service which is a larger public object to be achieved. Therefore, while considering the question whether the impugned Regulations violate the right guaranteed to the supervisory and security staff of the Corporation under Article 19(1)(c) of the Constitution; whether the impugned Regulations can be saved under the umbrella of Article 19(4) of the Constitution, the Courts cannot totally ignore the fact that the Regulations in question have been framed as part of the Conduct and Discipline Regulations of the servants of the Corporation. The right to form an association guaranteed under Article 19(1)(c) of the Constitution and the restrictions that could be imposed on exercise of such right under Article 19(4) of the Constitution could vary from person to person and from one class of persons to another class of persons and it could also vary from nature and type of work and the nature of the responsibility the staff in an establishment is entrusted with; and the consequence or adverse effect it would have on public interest. Therefore, the validity of any regulation intended to achieve public good and which are intended to enforce discipline in public employment will have to be considered keeping in mind other relevant factors which are conducive to public service or public employment. While the inference that the right guaranteed under Article 19(1)(c) or restrictions that may

be imposed on exercise of such right under Article 19(4) in so far as persons who are not subject to any discipline on account of nature of their employment either under State service or under the services of a Corporation which is an instrumentality of the State, may have to be minimum; and while assessing whether such restrictions are reasonable as provided under Article 19(4) of the Constitution, the test that may have to be applied would be quite different and as noticed by us earlier would vary depending upon several relevant factors like, nature of the work the employees are required to discharge, the magnitude of the responsibility they are required to take up and the consequences of not adhering to the discipline which requires such employees to adhere to while discharging their duties. While it is well settled that even Government Servants have a right to form an association, such rights cannot be considered as one in absolute terms as laid down by the Supreme Court in the case of Kameshwar Prasad (supra). It is presumably depending upon the nature of the work entrusted to the Government Servants or the employees of the instrumentality of the State, the Conduct and Discipline Rules could provide restricting the right to form an association guaranteed under Article 19(1)(c) of the Constitution of India. If the matter is examined in the light of what is stated above, we find it difficult to agree with the view expressed by the learned Single Judge that the impugned Regulations are violative of the right to form an association guaranteed to the supervisory and security staff. It is the case of the Corporation that the nature of the work carried on by the personnel of the security section and supervisory section are such that it will not be in public interest to permit them to carry on their association activities along with the other employees of the Corporation. According to the Corporation, security personnel are discharging a very sensitive job in which they have to maintain peace and are required to safeguard properties of the Corporation and uphold the discipline of the employees and they have to keep vigil over every work and activities in the Corporation with special reference to its security and property; and when such functions are performed by the security staff, it is neither expedient from the point of view of administration nor a valid practice to allow the security staff to become members of the Federation and identify themselves with one or two Unions or Federation. It is the further case of the Corporation that the functions of the security staff are of paramount importance and a sense of impartiality and loyalty to the Corporation is an absolute necessity and these things cannot be ensured if the security staff are allowed to become members of the trade union which would also result in hindrance in the discharge of their duties efficiently, strictly and impartially. It is also asserted on behalf of the Corporation that the supervisory staff of the Corporation in the course of discharge of their duties are required to control the employees in the cadre of Class-III and Class-IV; and in view of the nature of function required to be performed by the supervisory staff they will be exposed to embarrassment in their loyalty to the workers belonging to the different unions and the management and to avoid such an embarrassment and also to keep the supervisory staff away from the influence and activities of the Federation/Union which has a large number of members belonging to Class-III

and Class-IV and in the interest of healthy functioning of the administration it was found necessary to place a reasonable restriction on the supervisory staff by restraining them to become members in the trade unions of the workmen or other staff to which category they do not belong. In our considered view, if the Corporation which is providing public transport to the travelling public keeping in mind the larger public Interest and public order or morality has framed the impugned Regulations which only curtails their right either to continue or to become members of the Federation or union of workers of other employees of the Corporation to which category they do not belong to, such restrictions have to be understood as one having the unfettered protection provided under Article 19(4) of the Constitution on the ground the said Regulations have been framed in the interest of public order or morality. It is necessary to point out that while the employees of the Corporation are entitled for protection under Article 19(1)(c) of the Constitution, such protection cannot be absolute in terms or an unfettered one. Such rights could be curtailed or restricted depending upon the nature of duties each category of the employees of the Corporation discharge in the interest of public order or morality; It is no doubt true as laid down by the Supreme Court in the case of Kameshwar Prasad (supra), the larger the strength of the employees of the association, the bargaining capacity is more. By that alone it is not possible to come to the conclusion that if reasonable restrictions are imposed as has been done by virtue of the impugned Regulations curtailing the rights of a section of the employees who in the very nature of the duties entrusted to them enjoy special status or responsibilities and duties from other employees such regulations suffer from vice of violation of the rights guaranteed under Article 19(1)(c) of the Constitution as they are not saved under Article 19(1)(B) of the Constitution. It is also necessary to point out that since the supervisory and security staff are permitted to form an association of their own, we find it not possible to agree with the submission of Sri Narasimhan that the employees in question are not allowed to associate themselves or continue as members of the Federation or Union of workers of the Corporation, the bargaining capacity of the employees of the Corporation would be reduced. In a given situation, it is open to the associations or unions formed by the employees of the Corporation to jointly sponsor the cause of the employees. The restrictions imposed on the right of the supervisory and security personnel of the Corporation to form an association of their choice has to be judged keeping in mind the interest of public order or morality. One of the reasons assigned by the learned Judge to hold that the impugned Regulations are unconstitutional is that the supervisory and security staff of the Corporation would be compelled to withdraw their membership. As noticed by us earlier, in the case of Kameshwar Prasad (supra), the question that came up for consideration before the Supreme Court was with regard to the validity of Rule 4-A of Bihar Government Servants Conduct Rule, 1956 which prohibited the participation of a Government Servant in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service. While considering the validity of the said Rule, the Supreme Court while taking the view that the demonstration is

a visible manifestation of the feelings or sentiments of an individual or a group and as such it is a communication of one's ideas to others to whom it is intended to be conveyed, such terms and conditions would fall within the freedom guaranteed by Article 19(1)(a) and 19(1)(b) of the Constitution; and the embargo placed on any form of demonstration for the redressal of grievances of Government employees in the said Rule is not saved under Articles 19(2) and 19(3) of the Constitution. The Court took the view that the said Rule is unconstitutional mainly on the ground that the Rule prohibited any form of demonstration. Therefore, the said decision is of no assistance to Sri Narasimhan to support his contention. In the case of O.K. Ghosh and Another (*supra*), the question that came up for consideration before the Supreme Court was with regard to the validity of Rule 4-A and Rule 4-B of the Central Service Conduct Rules, 1995. Rule 4-A prohibited the participation of a Government Servant in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service. Rule 4-B of the Rules provided that no Government Servant shall join or continue to be a member of any service association of Government Servants - (a) which has not within a period of six months of its formation obtained recognition of the Government and the Rules prescribed in that behalf or (b) recognition in respect of which has been refused or withdrawn by the Government under the said Rules. The Supreme Court following its earlier decision in the case of Kameshwar Prasad took the view that Rule 4-A to the extent it prohibited participation in any form of demonstration was unconstitutional. However, it upheld that portion of the Rule 4-A which prohibited the Government Servants from participating in a strike. So far as Rule 4-B is concerned, no doubt the Court took the view that Rule 4-B of the Rules is unconstitutional on the ground that there is no direct or proximate or reasonable connection between the Government Servant or an association and the discipline and efficiency amongst the members of the association and therefore it was difficult to see any connection between the recognition and public order. It is relevant to point out that in the said decision at paragraph 10 of the order, the Court has specifically observed that the discipline amongst Government employees and their efficiency may in a sense be stated to be related to public order. Therefore, there cannot be any doubt that the restrictions imposed by the Regulations are reasonable restrictions and the said restrictions can be sustained on the ground that the restrictions have been imposed in the interest of public order. The public order as observed by the Supreme Court is virtually synonymous with public peace, safety and tranquility. It is no doubt true as observed by the Supreme Court that if the restriction imposed in the interest of public order is not proximate and direct or is either remote or indirect it may not be possible to sustain the said restrictions by resorting to protection under Article 19(4) of the Constitution as indirect or unfair or unreal connection between the restriction and public order, would not fall within the purview of expression "in the interest of public order". In the instant case that is not the position. The impugned Regulations as noticed by us earlier, permit the supervisory and security staff to form an association of their own. There is no restriction imposed

in the impugned Regulations to that effect. The continuance of membership or formation of an association of supervisory or security personnel is not dependent upon the recognition of their association by the Corporation or its authorities as has been stipulated under Rule 4-B of Central Rules. Therefore, Rule 4-B of the said Rules as observed by the Supreme Court virtually compels a Government Servant to withdraw his membership from the association of Government Servants if recognition accorded to the association was withdrawn or if an association has been formed, no recognition is accorded within six months from the date of formation of the association. As noticed by us earlier, this is not the position so far as the impugned Regulations are concerned. Therefore, the learned Judge it appears to us was not justified in relying upon the decisions of the Supreme Court in the case of Kameshwar Prasad and O.K.Ghosh (*supra*) to come to the conclusion that the impugned Regulations are unconstitutional in law.

9. In our view, the principles laid down by the Supreme Court in the case of Damyanti Naranga (*supra*), is also of no assistance to support the contention of Sri Narasimhan. In the said case, the question that came up for consideration was with regard to the validity of Section 4 of Hindi Sahitya Sammelana Act, 1962 and more particularly Section 4 of the said Act which provided for alteration of the Constitution of the Society in a manner laid down under the said Section. Sub-section (4) of Section 4 of the Hindi Sahitya Sammelana Act provides for constitution of the first members of the Sammelana as constituted under the Act. While considering the said question, the Supreme Court observed that the right to form an association necessarily implies that the persons forming the association have also the right to continue to be associated with only those whom they had voluntarily admitted to the association and any law by which members are introduced in the voluntary association without any option being given to the members to keep them out or any law which takes away the rights of those who have voluntarily joined it, will be a law violating the right to form an association. In this connection, it is useful to refer to the observation made at paragraph 6 of the judgment which reads as hereunder:

"6. It was argued that the right guaranteed by Article 19(1)(c) is only to form an association and, consequently, any regulation of the affairs of the Association, after it has been formed, will not amount to a breach of that right. It is true that it has been held by this Court that, after an Association has been formed and the right under Article 19(1)(c) has been exercised by the members forming it, they have no right to claim that its activities must also be permitted to be carried on in the manner they desire. Those cases are, however, inapplicable to the present case. The Act does not merely regulate the administration of the affairs of the Society; what it does is to alter the composition of the Society itself as we have indicated above. The result of this change in composition is that the members, who voluntarily formed the Association, are now compelled to act in the Association with other members who have been imposed as members by the Act and in whose admission to membership they had no say. Such alteration in the composition of the Association itself clearly interferes with the right to continue

to function as members of the Association which was voluntarily formed by the original founders. The right to form an association, in our opinion, necessarily implies that the persons forming the Association have also the right to continue to be associated with only those whom they voluntarily admit in the Association. Any law, by which members are introduced in the Voluntary Association without any option being given to the members to keep them out, or any law which takes away the membership of those who have voluntarily joined it, will be a law violating the right to form an association. If we were to accept the submission that the right guaranteed by Article 19(1)(c) is confined to the initial stage of forming an Association and does not protect the right to continue the Association with the membership either chosen by the founders-or regulated by rules made by the Association itself, the right would be meaningless because, as soon as an Association is formed, a law may be passed interfering with its composition, so that the Association formed may not be able to function at all. The right can be effective only if it is held to include within it the right to continue the Association with its composition as voluntarily agreed upon by the persons forming the Association. This aspect was recognised by this Court, though not in plain words, in the case of O.K. Ghosh and Another Vs. E.X. Joseph, . The Court, in that case, was considering the validity of Rule 4-B of the Central Civil Services (Conduct) Rules, 1955, which laid down that:

"No Government servant shall join or continue to be a member of any Service Association of Government servants:

(a) which has not, within a period of six months from its formation, obtained the recognition of the Government under the Rules prescribed in that behalf, or

(b) recognition in respect of which has been refused or withdrawn by the Government under the said Rules".

This Court held:-

"It is not disputed that the fundamental rights guaranteed by Article 19 can be claimed by Government servants. Article 33 which confers power on the Parliament to modify the rights in their application to the Armed Forces, clearly brings out the fact that all citizens, including Government servants, are entitled to claim the rights guaranteed by Article 19. Thus, the validity of the impugned rule has to be judged on the basis that the respondent and his co-employees are entitled to form Associations or Unions, it is clear that Rule 4-B imposes a restriction on this right. It virtually compels a Government servant to withdraw his membership of the Service association of Government Servants as soon as recognition accorded to the said Association is withdrawn or if, after the Association is formed, no recognition is accorded to it within six months. In other words; the right to form an Association is conditioned by the existence of the recognition of the said Association by the Government. If the Association obtains the recognition and continues to enjoy it, Government servants can become members of the said Association; if the Association does not secure recognition

from the Government or recognition granted to it is withdrawn, Government servants must cease to be the members of the said Association. That is the plain effect of the impugned rule".

The Court in the above passage, thus, accepted the principle that the Government servants, who may have formed an Association, could not be compelled to resign from it by imposition of a condition of recognition of this Association by the Government and that, if the Government servants are required to cease to be members, that would be a violation of the right under Article 19(1)(c). The Court, of course, in that case, further proceeded to examine whether such a restriction on the right could be justified under Article 19(4) or not. That case, thus, supports our view that the right to form an Association includes the right to its continuance and any law altering the composition of the Association compulsorily will be a breach of the right to form the Association".

The facts in the said case disclose that an association which was named as Hindi Sahitya Sammelan which came to be registered under the Societies Registration Act was taken over by virtue of the provisions of an Act known as Hindi Sahitya Sammelan Act No. 13 of 1962 under which a statutory body was created under the name of Hindi Sahitya Sammelan. Section 4 of the Act statutorily altered the membership of the Sammelan. It appears to us that the facts of that case and also the provision which came up for consideration in the said case has absolutely no bearing to the facts of the present case and the contents of the impugned Regulations. Here we are concerned with the right of the Corporation with regard to the conduct of its employees so long as they continue as its employees with the object of maintaining discipline and proper functioning of the Corporation and to achieve the object of the establishment and continued existence of the Corporation. So far as the Hindi Sahitya Sammelan is concerned, a society was formed by a few individuals who were not under the employment of any institution. The right of freedom to form an association by a few individuals who are not subject to any discipline on account of their employment is quite different from the right to form an association guaranteed to a class of persons who are under employment and who are subject to conditions of service of their employment. An individual who secures public employment is bound by all the Regulations and Rules imposed by the employer to maintain discipline among its employees with the object of maintaining efficiency and excellence in the functioning of any undertaking. The right of supervisory and security staff to form an association and the reasonable restrictions to be imposed under Article 19(4) of the Constitution cannot be determined de hors the service conditions framed by the Corporation. Therefore, public interest and public administration cannot be ignored while considering the validity of the conditions of service of employment of public sector undertakings, the impugned Rule which intends to maintain discipline among its staff in a larger public interest should not be lightly interfered with by this Court in exercise of the power under Article 226 of Constitution of India. In a matter like this, this Court should keep in mind that the authorities who are entrusted with managing the affairs of the Corporation

have better knowledge, perception and the problems faced by the Corporation and remedial measures it is required to take for effective and purposeful functioning of the Corporation. The second reason given by the learned Judge to strike down the impugned Regulation was that all these years when the supervisory and security staff were the members of the Federation the Corporation has not placed any material to show that the circumstances of the working of the Corporation necessitated framing of the impugned Regulations. This reasoning adopted by the learned Single Judge in our view does not appear to be correct. Further, at the hearing of this appeal, the learned Counsel for the Corporation has placed the proceedings of the Corporation and also of the State. We have gone through the said proceedings. The said proceedings clearly show that the Corporation and the State Government have applied their mind and found it necessary to frame the impugned Regulations. The proceedings of the meeting of the Board of Directors of the Corporation indicates the observation made by the Vice-Chairman and the Managing Director of the Corporation. In this connection, it is useful to refer to the observed which reads as hereunder:

"The Vice-Chairman & MD pointed out that the supervisory cadre cannot be brought within the definition of "Workman" and therefore there is need for exclusion of these cadres from being members of the union as also participating in the elections and action has to be taken legally to prohibit these non-workmen from being members of the union. He also pointed out that security personnel may fall within the definition of workmen in terms of the I.D. Act 1947. Since they hold a sensitive post, they are to be prohibited from being active participants of union activities. The Security Personnel are required to be impartial and safeguard the life and property of the organisation. They are also required to maintain discipline and be loyal to the employer. He pointed out that in Andhra Pradesh, the security personnel have been barred from being members of the trade union by amending the conduct regulations. They have been allowed to form their own Association which has been recognised by the Management. The VC & MD pointed out that for the first time in 1992, the supervisory staff were allowed to participate in the elections. He also pointed out that they come under the category of Class-III and their wage settlements are being done with that of others. He also stated that KSRTC Staff and Workers Federation has objected to the exclusion of these categories of staff from being members of the union and participate in the elections. No hardship has been caused to the Management and category-wise unions have never been recognised by the management."

Further, the note put up by the Labour Department for the Corporation indicates the desirability of framing the Regulations impugned. The third reason assigned by the learned Judge to strike down the impugned Regulations was that the restriction imposed is absolute in nature. This conclusion reached by the learned Judge does not appear to be correct. As noticed by us earlier, the restriction imposed is partial in nature and the restriction imposed does not prohibit the supervisory and security staff to form an association of their own. The impugned

Regulation in our considered view, is not meant to curtail the right guaranteed to the supervisory or security staff to form an Association or Union of their choice or to curtail their right to continue to be the members of the Federation or other Union of the workmen. In our view, as rightly pointed out by the learned Counsel for the appellant and the learned Advocate General it is clearly meant to maintain discipline in the service to ensure efficient performance of duties by the supervisory and security staff of the Corporation and also to maintain direct control and supervision of other employees of the Corporation on whom the supervisory and security staff are required to keep a vigil or supervision. A rule which primarily does not restrict the right to form an association to supervisory or security staff of the Corporation cannot be called in question as violating Article 19(1)(c) of the Constitution. Any action which is detrimental to the interest or prestige of the employer and also efficient functioning of the organisation clearly undermines the discipline within the organisation and also the efficient functioning of that organisation. Therefore, such a Regulation or Rule may be construed as one falling under public order and Article 19(4) of the Constitution. Further, the Supreme Court in the case of M.H. Devendrappa (supra) laid down that the fundamental freedom enumerated under Article 19 is, necessarily in all circumstances, mutual and supportive. Further, the impugned Regulations as rightly pointed out by the learned Counsel for the appellant and the learned Advocate General can be looked at from the point of view of Article 19(1)(c) as requirements in discharge of proper duties of the supervisory and security staff of the Corporation.

10. The Supreme Court in the case of Devendrappa (supra) has held that "Rules which are directly linked to and are essential for proper discharge of duties of a public office would be protected under Article 19(1)(c) in public interest." In this connection, it is useful to refer to the observation made by the Supreme Court at paragraphs 18 and 19 of the judgment which reads as follows:

"18. The same requirements of Rule 22 can be better looked at from the point of view of Article 19(1)(g) as requirements in furtherance of the proper discharge of the public duties of Government service. Rules which are directly linked to and are essential for proper discharge of duties of a public office would be protected under Article 19(1)(g) as in public interest. If these Rules are alleged to violate other freedoms under Article 19, such as, freedom of speech or expression or the freedom to form associations or unions or the freedom to assemble peaceably and without arms, the freedoms have to be read harmoniously so that Rules which are reasonably required in furtherance of one freedom are not struck down as violating other freedoms. Seervai in "Constitutional Law of India", Vol. I, page 816, para 10.238 state "...,.. a civil servant is following a profession or occupation within the meaning of Article 19(1)(g) Whereas his right to freedom of speech and expression, or the right to form an association can be subject only to reasonable restrictions in the , interests of public order or morality, his right to carry on his profession or calling can be made subject to reasonable restrictions in the public interest. If the true scope and object of an impugned rule is not to

deal with freedom of speech or freedom of association but to secure standards of conduct necessary for the efficient and proper discharge of a profession or calling, in the public interest, then such restrictions can be justified under Article 19(6), although they cannot be justified under Article 19(2) and (3)....."

19. The fundamental freedoms enumerated under Article 19 are not necessarily and in all circumstances mutually supportive, although taken together they weave a fabric of a free and equal democratic society, e.g. the right to reside and settle in any part of the country can be put in jeopardy by a vociferous local group freely expressing its view against persons from another part of the country. Freedom of speech of one affects the freedom of movement of another. Exercising the right to form an association may curtail the freedom to express views against its activities. For example, a person joining an association to promote adoptions cannot express anti-adoption views. He may lose his membership. Some restriction on one's rights may be necessary to protect another's rights in a given situation. Proper exercise of rights may have, implicit in them, certain restrictions. The rights must be harmoniously construed so that they are properly promoted with the minimum of such implied and necessary restrictions. In the present case, joining government service has, implicit in it, if not explicitly so laid down, the observance of a certain code of conduct necessary for the proper discharge of functions as a Government servant. That code cannot be flouted in the name of other freedoms. But a reasonable code designed to promote discipline and efficiency can be enforced by the Government organisation in the sense that those who flout it can be subjected to disciplinary action".

The observation made by the Supreme Court referred to above, in our view is a complete answer to the contentions advanced by Sri Narasimhan challenging the validity of the impugned Regulations. The decision of the Supreme Court in the case of Dr. V.K. Javali (supra) relied upon by Sri Narasimhan in our view, is also of no assistance to him. In the said decision, the question that came up for consideration before the Supreme Court was with regard to the freedom of speech and the Civil Services Classification, Control and Appeal) Rules. Further, the decision of this Court in the case of K. Manmohan (supra) referred to the learned Judge is also of no assistance to take the view that the impugned Regulations are unconstitutional as the question that came up for consideration in the case was whether the Government Servants can be deprived of their right of discussing the Government policy or action relating to their service conditions. In that context, this Court struck down Rule 7(1) of Mysore Government Servants' Conduct Rules, 1957. Therefore, in the light of the discussion made above, we are of the view that the conclusion reached by the learned Single Judge on question No.1 requires to be held as unsustainable and the said conclusion requires to be reversed. Accordingly, we hold that the impugned Regulations are not liable to be struck down as being violative of the rights guaranteed to the supervisory and security staff of the Corporation under Article 19(1)(c).

Regarding Question No.2:

Now, the next question is whether the impugned Regulations take away the rights guaranteed to the supervisory and security staff under the provisions of the Trade Unions Act as found by the learned Single Judge. In Our view, the conclusion reached by the learned Single Judge that if the supervisory and security staff, are prevented from being associated in any manner with the Federation, it would violate the statutory right given to them under the Trade Unions Act does not appear to be correct. As noticed by us earlier, the supervisory and security staff are not prevented from registering as a trade union in terms of the provisions contained under Trade Union Act. Then the question is whether the impugned Regulations are required to be struck down on the ground that it prevents the amalgamation of trade unions as provided u/s 24 of the Act. It is no doubt true that Section 24 of the Trade Union Act provides for amalgamation of two or more registered trade unions with or without dissolution or division of funds as one trade union subject to the conditions laid down in the said provision. It is necessary to point out that here we are concerned with the Regulations framed by the Corporation in respect of its employees regulating their conduct and discipline. Section 24 of the Act is an enabling provision wherein two registered trade unions are allowed to amalgamate themselves as one trade union with or without dissolution or division of funds of such trade unions and subject to the conditions laid down in the said Provision. Section, 24 which provides for amalgamation of trade unions cannot be construed or understood as taking away the right of the Corporation to impose discipline among its employees for the purpose of efficient discharge of duties by its employees keeping in view larger public interest and public order. We do not find any conflict with the impugned Regulations and Section 24 of the Act. The impugned Regulations are framed by the Corporation in exercise of the power conferred on it u/s 45 of the Road Transport Corporation Act with the sanction of the State Government. The object of the Trade Union Act is to provide for registration of trade unions and to define the law relating to registered trade unions. Further, so long as the Regulations framed by the Corporation pass the scrutiny with regard to the rights guaranteed under Article 19(1)(c) of the Constitution; the said provision cannot be nullified on the ground that the impugned Regulations contravene Section 24 of the Trade Union Act. We are also unable to accede to the submission of Sri Narasimhan that if the supervisory and security staff are prevented from being associated in any manner with the Federation, or other Union of workers, they will not be in a position to represent the supervisory or security personnel u/s 36 of the I.D. Act before the Labour Court or the Tribunal or before any other appropriate authority. In this connection, it is necessary to place on record the submission of Sri Ashok Haranahalli, learned Counsel for the appellant and Sri A.N. Jayaram, learned Advocate General appearing for the State that the impugned Regulations would not come in the way of the supervisory or security staff approaching the Federation or Union or other association of Workers to represent their cause

before the Labour Court, the Tribunal or any other authorities created under the I.D. Act as provided u/s 36 of the Act. We find that the stand taken by the learned Counsel for the appellant and the learned Advocate General, in the facts and circumstances of the case, is fair and reasonable. Even otherwise, in our considered view, the impugned Regulations will not come in the way of the supervisory and security staff making a request with either the 1st respondent-Federation or any other Union or Association of workmen to represent their cause in terms of the provisions contained in Section 36 of the Act in any proceeding under the I.D. Act. The language employed in the impugned Regulations cannot be understood in that manner. Therefore, the finding recorded on question No.2 framed by the learned Single Judge is also required to be held as unsustainable in law. The impugned Regulations are required to be considered keeping in mind the statutory protection given to workmen u/s 36 of the I.D. Act; and if it is so considered, it is not possible to read the impugned Regulations as taking away the right given to the workman to get himself represented in any proceeding under the I.D. Act by the trade union or by any executive member of the trade union. We also do not find any merit in the submission of Sri M.C. Narasimhan that the impugned Regulations are in the nature of unfair labour practice within the meaning of Schedule V of the I.D. Act and also required to be struck down as violative of items 1, 3 and 4 of the V Schedule given to the I.D. Act, As noticed by us earlier, the impugned Regulations have been framed by the Corporation with the previous consent of the State Government as provided u/s 45 of the Road Transport Corporation Act. The object of the impugned Regulations is to provide for maintenance of discipline among the supervisory and security staff of the Corporation. So long as they do not suffer from vice of being opposed to the rights guaranteed under Article 19(1)(c) of the Constitution or any statutory provision, it cannot be understood as meaning to interfere with or restrain from or coerce a workman in the exercise of the right to organise or join or assist a trade union or to engage in concerted activities for the purpose of collective bargaining or other mutual aid etc. or for any other matters set out in Schedule V given to the I.D. Act. The maintenance of discipline among the Government Servants or for that matter any institution and more particularly the institutions which are the instrumentalities of the State, is absolutely necessary, and as observed by the Supreme Court in the case of Kameshwar Prasad (supra) it not only contributes to the maintenance of public order, it is the *sine qua non* of public order. In the light of the discussion made above, we are unable to agree with the conclusion reached by the learned Single Judge that the impugned Regulations are "nothing but interference in the right of a workman to have an association of his choice." In the light of the said conclusion, we find it unnecessary to go into the question whether the provisions of the I.D. Act would prevail over the impugned Regulations or not.

11. We are also unable to accede to the submission of Sri Narasimhan that the impugned Regulations are required to be treated as one in the nature of misconduct. We do not find any merit in this submission. As noticed by us earlier,

the impugned Regulations have been framed by the Corporation after obtaining sanction from the State Government in exercise of the power conferred on it u/s 45 of the Road Transport Corporation Act. We are unable to appreciate as to how the said provision could be treated as a misconduct. As a matter of fact, the learned Judge has in the impugned judgment left open the said question. In the light of the discussion made above, it is necessary to observe that though a number of decisions were cited by the learned Counsel appearing for the parties, in our view none of the decisions cited by Sri Narasimhan is of any assistance to him to support his contentions.

12. In the light of our above conclusion, we are of the view the order dated 20th March 2000 made in Writ Petition Nos. 7601 to 7603 of 1997 by the learned Single Judge is liable to be set aside and the said Writ Petitions are liable to be dismissed. Accordingly, it is ordered. However, no order is made as to Costs.