

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE M.GOVINDARAJ

Writ Appeal No.1643 of 2010
and
M.P.No.1 of 2010

Tamil Nadu State Transport Corporation
(Coimbatore Division-I) Ltd.,
Coimbatore
(Formerly known as the Management of
Cheran Transport Corporation Ltd.) ..Appellant/Petitioner

vs.

1.The Presiding Officer
Industrial Tribunal
Tamil Nadu, Chennai

2.The Workmen represented by
The Secretary
Bharathiar Transport Workers Union
1147, Sukrawarpet,
Coimbatore - 1 ..Respondents/Respondents

Writ Appeal filed under clause 15 of the Letters Patent
against the order of the writ court dated 29.01.2009 made in
W.P.No.5226 of 1999 to issue a writ of certiorari calling for
the records of the first respondent in I.D.NO.3 of 1990 and
quash the award dated 30.12.1997.

For Appellant : Ms.Vijayakumari Natarajan
For Respondent : Mr.G.B.Saravanabhavan

JUDGMENT
(delivered by S.MANIKUMAR, J)

Tamil Nadu State Transport Corporation (Coimbatore
Division-I) Ltd. (formerly known as the Management of Cheran
Transport Corporation Ltd.), passed a Resolution, in its 70th
meeting stating that employees whose services regularised
before 01.07.1979 would be eligible to take in-patient
treatment, in recognised hospitals and the expenditure will be
borne by the Corporation. Employees whose services regularised
on or after 01.07.1979 would be eligible for in-patient
treatment in Government Hospitals.

2. Above decision of the Corporation, has been challenged by the Workmen represented by the General Secretary, Bharathiya Transport Workers Union, Coimbatore, in I.D.No.3 of 2010. Though Tamil Nadu Transport Corporation, Coimbatore (formerly known as the Management of Cheran Transport Corporation Ltd.), defended the said ID, after adjudication, the Industrial Tribunal, Chennai vide order in I.D.No.3 of 1990 dated 30.12.1997 passed an award in favour of Bharathiya Transport Workers Union, Coimbatore.

3. Tamil Nadu State Transport Corporation, Coimbatore, filed W.P.No.5226/1999 seeking for a writ of certiorari, to quash the order in I.D.No.3/1990 dated 30.12.1997. Upon hearing the parties and considering the material on record, writ petition has been dismissed.

4. Being aggrieved, instant writ appeal has been filed by the State Transport Corporation. Record of proceedings shows that on 24.03.2011, appeal has been admitted and notice has been ordered. On this day, when the appeal came up for final hearing, Ms.Vijayakumari Natarajan, learned counsel appearing for the second respondent herein submitted that ID No.3/1990 was filed in the year 1990, when there was discrimination in providing medical facilities to two sets of employees, by fixing a cut-off date; those employees whose services were regularised before 01.07.1979 and employees whose services were regularised on or after 01.07.1979.

5. Inviting attention of this court to the order of the Government of Tamil Nadu in G.O.Ms.No.430 Finance (Salaries) Department dated 10.09.2007, extending Health Insurance Schemes for employees of the Government, local bodies, Public Sector Undertaking, statutory boards, periodical review with increase in monetary benefit, towards medical facilities in issuing orders, G.O.Ms.No.243 Finance (Salaries) Department and G.O.Ms.No.202 Finance (Salaries) Department dated 30.06.2016 and the periodical circulars issued by the Tamil Nadu State Transport Corporation, Ms.Vijayakumari Natarajan, learned counsel appearing for the workers' union submitted that today, medical facilities extended to the employees of the Transport Corporation is uniform, whether the employees were regularised prior to 01.07.1979 and or later, in point of time. She further submitted that, as on today there is no need to adjudicate any of the issues raised in the writ appeal. We have gone through the Government Orders and circulars, periodically issued. Extension of the Health Insurance Scheme to all the employees of the Government, local bodies, public sector undertaking and statutory bodies is not disputed and there is uniformity. In view of the subsequent developments, there is no need for adjudication.

Accordingly, writ appeal is dismissed. However, there shall be no order as to cost. Consequently, the connected miscellaneous petition is closed.

asr

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer
Industrial Tribunal
Tamil Nadu, Chennai

+ 1 cc to Mr.G.B. Saravanabhavan, Advocate Sr.76106

+ 1 cc to Mr.S. Natarajan, Advocate SR.76231

W.A. No.1643 of 2010

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