

In the High Court of Judicature at Madras

Dated 06.1.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.42 of 2016 and WMP.No.7 of 2016

Tamil Nadu State Transport
Employees Federation, rep.by
its General Secretary, Chennai-12.

...Petitioner

Vs

- 1.Government of Tamil Nadu, rep.by
its Secretary, Labour & Employment
Department, Fort St George, Chennai-9.
- 2.The Secretary, Transport Department
Government of Tamil Nadu, Fort St.
George, Chennai-9.
- 3.The Deputy Commissioner of Labour,
(Minimum Wages), D.M.S. Compound,
Teynampet, Chennai-6.
- 4.Mr.M.Balakrishnasamy, Managing
Director-Incharge, State Express
Transport Corporation Ltd.,
Pallavan Salai, Chennai-2
- 5.Mr.M.Balakrishnasamy, Managing
Director, Metropolitan Transport
Corporation, No.2, Pallavan Salai,
Chennai-2.
- 6.Mr.K.Karunanithi, Managing Director,
Tamilnadu State Transport Corporation
(Villupuram) Ltd., No.3/137, Salamedu,
Vazhuthareddy Post, Post Box No.56,
Villupuram-605 602
- 7.Mr.R.Rangarajan, Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd., Railway Station
Pudhu Road, Kumbakonam-612 001.

- 8.Mr.T.Rangarajan, Managing Director,
Tamilnadu State Transport Corporation
(Madurai) Ltd Bye pass Road,
Madakkulam, Madurai-10.
- 9.Mr.T.Veerapandi, Managing Director,
-Incharge, Tamilnadu State Transport
Corporation (Coimbatore) Ltd., No.37,
Mettuppalayam Road, Coimbatore-43.
- 10.Mr.R.Rangarajan, Managing Director
-Incharge, Tamilnadu State Transport
Corporation (Salem) Ltd., No.12,
Ramakrishna Salai, Salem-7.
- 11.Mr.T.Veerapandi, Managing Director,
Tamilnadu State Transport Corporation
(Thirunelveli) Ltd., Thirunelveli.
- 12.Mr.K.Moni, General Manager,
State Express Transport Corporation
Ltd., Pallavan Salai, Chennai-2.
- 13.Mr.R.Ananthapadmanaban, General
Manager, Metropolitan Transport
Corporation, No.2, Pallavan Salai,
Chennai-2.
- 14.Mr.A.Vincent, General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd., Villupuram Region
No.3/137, Salamedu, Vazhuthareddy,
Post, Villupuram-605602
- 15.Mr.K.Selvanayagam, General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd., Vellore Region
No.9, Rangapuram, Vellore-9.
- 16.Mr.N.Nagendran, General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd., Kancheepuram
Region, No.1-2, Nadu Theru, Checkupet,
Kancheepuram-631 501.
- 17.Mr.D.S.Vincent, General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd., Thiruvannamalai
Region, Thandarampattu Main Road, Thiruvannamalai-606 603.

- 18.Mr.Santhanam, General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd., Cuddalore Region,
Cuddalore.
- 19.Mr.Thanulingam, General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd., Thiruvallur Region,
Thiruvallur-602001.
- 20.Mr.S.Chandrasekaran, General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd., Kumbakonam
Region, Railway Station Pudhu Road,
Kumbakonam-612001
- 21.Mr.K.Pandi, General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd., Trichy Region,
Peria Milagu Parai, Trichy-1.
- 22.Mr.A.Dharamaraj, General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd., Karaikudi Region,
Maruthupadhi, Mangiri Road,
Karaikudi-630 307.
- 23.Mr.Chellamuthu, General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd., Puthukottai Region,
No.51/1, Pillai Thanneer Panthal,
Thirumayam Road, Pudukottai-622 001.
- 24.Mr.G.Udhayakumar, General Manager,
Tamilnadu State Transport Corporation
(Madurai) Ltd., Madurai Region,
Bye pass road, Madakkulam, Madurai-10.
- 25.Mr.Manickavasagam, General Manager,
Tamilnadu State Transport Corporation
(Madurai) Ltd., Dindugul Region,
Bye Pass Road, Dindigul-4.
- 26.Mr.K.V.Karunanidhi, General Manager,
Tamilnadu State Transport Corporation
(Madurai) Ltd., Virudhunagar Region,
9, Canteen Building, District Collector
Office, Virudhunagar, Virudhunagar Dist.

27.Mr.M.Gajendran, General Manager,
Tamilnadu State Transport Corporation
(Madurai) Ltd., Thirunelveli Region,
No.19 Thiruvananthapuram Road
Vannarapettai, Thirunelveli-3.

28.Mr.P.Ravindran, General Manager,
Tamilnadu State Transport Corporation
(Madurai) Ltd., Nagercoil Region,
Nesamani Nagar, Rani Thottam,
Nagercoil-621001.

29.Mr.S.Manimuthu, General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd., Coimbatore Region,
No.37, Mettupalayam Road,
Coimbatore-43.

30.Mr.V.Krishnamoorthy, General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd., Erode Region,
Sennimalai Road, Erode-1.

31.Mr.D.Annadurai, General Manager,
Tamilnadu State Transport Corporation
(Salem) Ltd., Salem Region, No.12,
Ramakrishna Salai, Salem-7.

32.Mr.S.Mayakkrishnan, General Manager,
Tamilnadu State Transport Corporation
(Salem) Ltd., Dharmapurai Region,
Bharathipuram, Salem Road,
Dharmapuri-636705.

...Respondents

PETITION under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 and 3 to initiate criminal action against respondents 2 and 4 to 32 for having committed offence under Section 22 of the Minimum Wages Act by granting permission/sanction and also by filling appropriate complaint against respondents 2 and 4 to 32 and for the recovery of the difference in minimum wages payable to the drivers, conductors and technical staff both belonging to daily paid category and reserve category, who are employed under respondents 2 and 4 to 32 and for enforcement of the payment of minimum wages to those employees by respondents 2 and 4 to 32 as per the minimum wages notification as revised from time to time and based on the increase in dearness allowance and award costs.

For Petitioner : Mr.V.Ajoy Khose
For Respondents 1 to 3 : Mr.R.Rajeswaran, SGP
For Respondents 4 to 21 : Mr.P.Paramasivados

ORDER

Mr.R.Rajeswaran, learned Special Government Pleader takes notice for respondents 1 to 3. Mr.P.Paramasivados, learned counsel takes notice for respondents 4 to 21.

2. The petitioner is a federation consisting of various trade unions, which are affiliated to it, representing the workmen working in the transport corporations. The petitioner seeks a direction to respondents 1 and 3 to initiate criminal action against respondents 2 and 4 to 32 on the ground that they committed an offence under Section 22 of the Minimum Wages Act by granting sanction for prosecution and also by filing appropriate complaint against them for recovery of the difference in the minimum wages payable to the drivers, conductors and technical staff both belonging to daily paid and reserve categories and for enforcement of the payment of minimum wages to those employees by respondents 2 and 4 to 32 as per the minimum wages notification as revised from time to time.

3. When the writ petition was listed for admission 5.1.2016, this Court informed the learned counsel for the petitioner that there appears to have been a challenge to orders passed by the Minimum Wages Authority at the instance of the transport corporations and that the writ petitions are still pending. The learned counsel for the petitioner was granted time to verify this aspect and therefore, the matter is listed today for further hearing.

4. Today, when the writ petition is taken up for hearing, the learned counsel for the petitioner would submit that writ petitions challenging the orders passed by the Minimum Wages Authority are pending at the instance of the transport corporations and that writ appeals are also pending. However, it is admitted by the learned counsel for the petitioner that in those cases, the respective trade unions have vindicated the grievance of the workmen.

5. However, it is seen in the present case that the federation seeks to prosecute respondents 2 and 4 to 32.

6. In the light of the above facts, when the challenge to the orders passed by the Minimum Wages Authority is still

pending consideration before this Court and the very same workmen are represented by their respective unions, a separate writ petition at the instance of a federation to initiate prosecution is not maintainable. Therefore, this Court is not inclined to entertain the writ petition at this juncture, that too at the instance of the federation on the above technical ground.

7. For the above reasons, the writ petition is dismissed as not maintainable. No costs. Consequently, the above WMP is also dismissed. 8. However, it is open to the respective trade unions to vindicate the grievance of the workmen in the event of any violation of the provisions of the Minimum Wages Act. It is made clear that this Court has not gone into the merits of the allegations made against respondents 2 and 4 to 32 and it is for the concerned union to take up the issue in accordance with law.

sd/-

Assistant Registrar (Cs-VII)

/TRUE COPY/

Sub-Assistant Registrar

RS

To

- 1.The Secretary to Government of Tamil Nadu, Labour & Employment Department, Fort St George, Chennai-9.
- 2.The Secretary, Transport Department, Government of Tamil Nadu, Fort St.George, Chennai-9.
- 3.The Deputy Commissioner of Labour, (Minimum Wages), D.M.S. Compound, Teynampet, Chennai-6.

+1 CC to MR.V.Ajoy Khose Advocate. SR.NO.1099

+1 CC to MR.P.Paramasivadoss Advocate. SR.NO.1191

+1 CC to Govt.Pleader. SR.NO. 969

W.P.No.42 of 2016
&WMP.No.7 of 2016

CO-VSN
JD 19/01/2016

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