



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P(MD)No.17180 of 2016 &

WMP(MD)No.12463 of 2016

N.Pirama Nayagam
Secretary
Government Transport Employees Union
4C Imperial Compound,
1st Floor, Peratchi Amman Kovil Street,
Vannarpettai, Tirunelveli

.. Petitioner

Vs.

1.The Chief Secretary
State of Tamil Nadu
St. George Fort, Chennai.

2.The Secretary
State of Tamil Nadu
Transport Department
St. George Fort, Chennai

3.The Managing Director,
TNSTC (Tirunelveli) Ltd.,
Tirunelveli Region
Tirunelveli District

4.The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Tirunelveli Division, Tirunelveli

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to implement Rules strictly based on Clause 12(XVIII) of the 12(3) settlement dated 31.08.2005 those who are appointed as driver or conductor or technical person are do their allotted to appointment duties only eligible for getting their salary and not to assign any other duties except appointment duties to driver or conductor or technical persons as per the rule based on the petitioner's representation to the respondents on 26.02.2016 and 25.04.2016.

For Petitioner

: M/s.G.Ramanathan

For Respondents

: Mr.M.Govindan



ORDER

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The petitioner claims to be the Secretary of Government Transport Employees Union, which is a Trade Union. He has come up with this public interest litigation seeking a direction to the respondents to strictly apply Clause 12 (XVIII) of the settlement reached under Section 12(3) of the Industrial Disputes Act on 31.08.2005 and not to allow any other work, which is not covered by the said settlement.

2. This Public Interest Litigation has come up today for admission.

3. We have heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned Standing counsel for the respondents 3 and 4.

4. In our considered view, the dispute raised in this petition is in the nature of industrial dispute, which is to be gone into only by the appropriate forum constituted. We cannot enter into the said issue. Thus, in our considered view, the Public Interest Litigation is misconceived and the same cannot be entertained. Accordingly, this writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

RR

To

1.The Chief Secretary
State of Tamil Nadu
St. George Fort, Chennai.

2.The Secretary
State of Tamil Nadu
Transport Department
St. George Fort, Chennai

+1 cc to Mr.G.RAMANATHAN, Advocate, Sr.No: 51666
+1 cc to Mr.K.SATHIYASINGH, Advocate, Sr.No: 51773
+1cc to M/S Special Government Pleader, Sr No. 51959

JAM/SS2/22.09.16/ 2P-6C

ORDER MADE IN

W.P (MD) No.17180 of 2016
and W.M.P.No.12463 of 2016
12.09.2016