

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2017

Coram

The Honourable Mr.Justice HULUVADI G.RAMESH
and
The Honourable Mr.Justice RMT.TEEKAA RAMAN

W.A.NO.186 OF 2017

M/s.Tamizh Pokkuvarathu Podhu Thozhirschangam,
rep. by its General Secretary,
G.K.Subramaniam Appellant

versus

1. The State of Tamil Nadu,
rep. by its Principal Secretary,
Transport Department,
Fort St.George,
Chennai-600 009.
2. The Managing Director,
Tamilnadu State Transport Corporation,
Chennai-600 002. Respondents

Prayer: Writ Appeal is filed seeking to set aside the order of the learned single Judge made in W.P.No.1958 of 2017, dated 01.02.2017.

Petition Under Article 226 of the constitution of India praying for the issue of a writ of Mandamus directing the Respondents to permit and include the Petitioner Union to participate in the 13th Settlement Committee Talks on Salary Agreements for Transport Workers U/s 12(3) of Industrial Disputes Act 1947 constituted vide G.O M.s.No.3 Transport(C1)Department dated 13/01/2017.

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For Appellant : Mr.S.Vijaya Ganesh

For Respondents : Mr.A.Sri Jayanthi, Spl.G.P.

JUDGMENT

(Judgment of the Court was delivered
by HULUVADI G.RAMESH, J.)

This Writ Appeal is directed against the order of the learned single Judge made in W.P.No.1958 of 2017, dated 01.02.2017 dismissing the writ petition with the following observation in para 3:

"3. As the petitioner-Thozhirschangam is admittedly not a recognized body and there is no relevant document produced to show that the petitioner-Thozhirschangam is a recognized one, this Court is not inclined to entertain the Writ Petition. Accordingly, the Writ Petition fails and it is dismissed. No costs."

2. Learned counsel for the petitioner submitted that though initially, their union people were also called for talks for settlement on salary agreements by the second respondent, however, after the orders of the learned single Judge, they are not now encouraging the petitioner sangam to participate for discussion.

3. Though we are not inclined to entertain the present Writ Appeal having regard to the order of the learned Judge which requires no interference, however, taking into consideration that the petitioner sangam was invited for having talks in respect of settlement on salary agreements, while dismissing the Writ Appeal, we make it clear that either this order or the order of the learned single Judge will not stand in the way for inviting the petitioner sangam by the second respondent for having talks in respect of settlement on salary agreements, if they are so advised and it is needless to state that discretion lies with the second respondent. No costs.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

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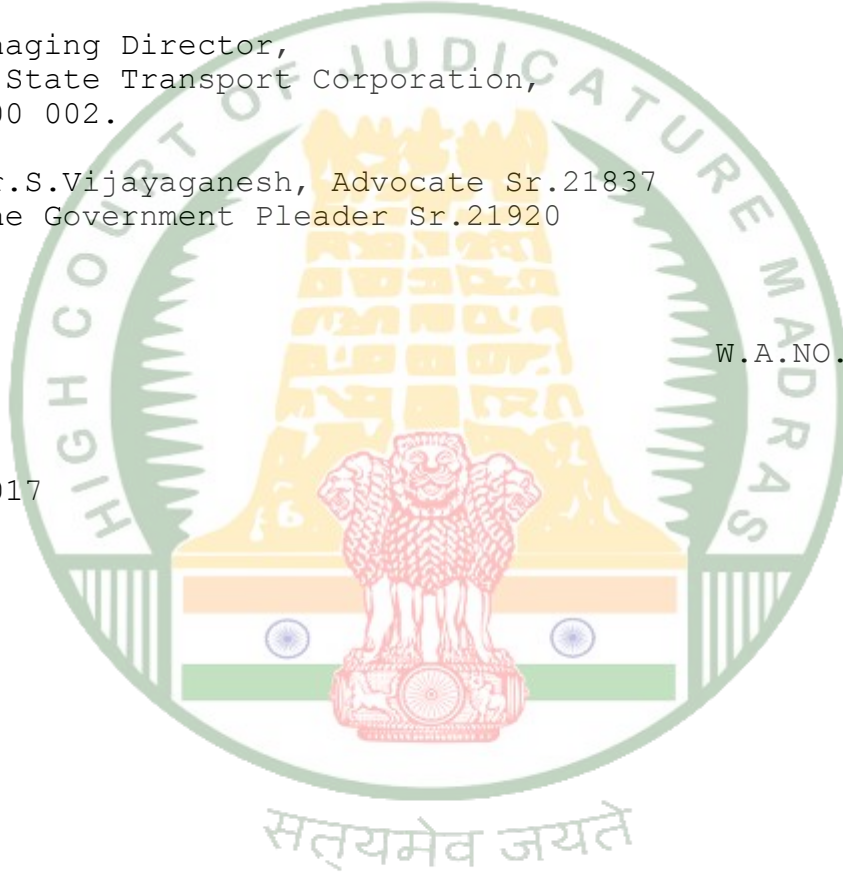
1. The Principal Secretary,
The State of Tamil Nadu,
Transport Department,
Fort St.George,
Chennai-600 009.

2. The Managing Director,
Tamilnadu State Transport Corporation,
Chennai-600 002.

+lcc to Mr.S.Vijayaganesh, Advocate Sr.21837
+lcc to the Government Pleader Sr.21920

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