

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1958 of 2017

M/s Tamizh Pokkuvarathu Podhu Thozhirschangam
represented by its General Secretary

G.K.Subramaniam

Having office at No.56, Beema Gounder Lane
Ganapathipalam, Kodumudi Post

Erode District 638 151

.. Petitioner

-vs-

1. The State of Tamilnadu
represented by its Principal Secretary
Transport Department
Fort St.George
Chennai 600 009

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

.. Respondents

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 under Section 12(3) of
Industrial Disputes Act 1947 constituted vide G.O.Ms.No.3,
Transport (C1) Department dated 13.1.2017.

For Petitioner :: Mr.Vijayaganesh.S

For Respondents :: Mr.R.Govindasamy

Special Government Pleader for R1

ORDER

This writ petition has been filed by Tamizh Pokkuvarathu
Podhu Thozhirschangam represented by its General Secretary
Mr.G.K.Subramaniam, Erode seeking issuance of a writ of
mandamus, directing the Principal Secretary, Transport
Department, Chennai, the first respondent and the Managing
Director of Tamilnadu State Transport Corporation, Chennai, the
second respondent to permit and include the petitioner Union to
participate in the 13th Settlement Committee Talks on salary
agreements for Transport workers under Section 12(3) of

Industrial Disputes Act 1947.

2. Learned counsel for the petitioner submitted that the petitioner is a non-political trade union registered on the file of Additional Registrar-Trade Union, Coimbatore. While so, from the year 1977, when the disputes between the workers and the administration in respect of salary, increment and related grievances were addressed by the respondents under agreements entered under Section 12(3) of the Industrial Disputes Act 1947 by constituting committees, the 12th salary agreement entered into already got expired on 31.8.2016. Now the respondents have decided to constitute the 13th settlement talks on salary agreement for their workers and the petitioner-Thozhurchangam has been actively representing the respondents from 2015 about the grievances of their members on salary settlement. But the petitioner-Thozhurchangam was not called for participating in the 12th salary agreement talks. Therefore a representation was given to the respondents to include their name in the 13th settlement talks. But, till date, there is no response. Hence they are advised to come to this Court under Article 226 of the Constitution of India.

3. As the petitioner-Thozhurchangam is admittedly not a recognised body and there is no relevant document produced to show that the petitioner-Thozhurchangam is a recognised one, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition fails and it is dismissed. No costs.

sd/

Assistant Registrar (CO)

/true copy/

ss
To

Sub Assistant Registrar

1. The Principal Secretary to Government
Transport Department
Fort St. George
Chennai 600 009

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

+1cc to Mr.S.V.Vijayaganesh Advocate SR.No.6151.

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KSJ(CO)
GN(09/02/2017)