



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].No.837 of 2011 and
M.P.(MD) No.2 of 2011

Tamil Nadu Arasu Pokkuvarathu
Thozhilalar Sangam, CITU,
Represented by its General Secretary,
3/1/5, Mudiyarasan Salai,
Karaikudi.

: Appellant

Vs.

1.The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Karaikudi.

: Respondents

PRAYER:-Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 05.10.2010 dismissing W.P.No.5964 of 2009 praying direct the respondents to pay correct and appropriate daily rate of wages to the daily rated drivers and conductors as per the settlement from the date of their initial appointment together with PF contributions and to continue to pay correct and appropriate daily rated wages to the daily rated drivers and conductors by revising the daily rate of wages once in three months based on the increase in the quarterly average of dearness allowance and credit the PF contributions to each of the workman's PF account.

Prayer in WP(MD). 5964/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to pay correct and appropriate daily rate of wages to the daily rated drivers and conductors as per the settlement from the date of their initial appointment together with PF contributions and to continue to pay correct and appropriate daily rated wages to the daily rated drivers and conductors by revising the daily rate of wages once in three months based on the increase in the quarterly average of dearness



allowance and credit the PF Contributions to each of the workman s PF Account, award costs.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.D.Sivaraman

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

This intra-court appeal is directed against the order dated 05 October, 2010 in W.P.No.5964 of 2009, wherein and whereunder, the learned Single Judge dismissed the Writ Petition filed by the appellant as infructuous, taking into account the submissions made on behalf of the learned Standing Counsel for Tamil Nadu State Transport Corporation (Kumbakonam) Limited that the Corporation would implement the settlement and pay appropriate daily wages to the employees.

2. According to the learned counsel for the appellant, the undertaking was not complied with by the respondents and that was the reason for filing the writ appeal.

3. There is no question of entertaining Writ Appeal against an order dismissing the Writ Petition, taking into account the submissions made on behalf of the respondents. It is always open to the petitioner to initiate proceedings against the respondents, in case there was a deliberate inaction on their part for implementation of the settlement and payment of appropriate daily wages, notwithstanding the undertaking given before the Writ Court.

3. This intra-court appeal is dismissed, with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar



To

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1.The Managing Director,
The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Karaikudi.

+One cc to Mr.D.Sivaraman, Advocate, SR.No.68021

+One cc to Mr.S.Arunachalam, Advocate, SR.No.68110

AR/MYR

RL/5C/3P/KK/SAR1/7/8/2017

ORDER MADE IN

W.A.[MD].No.837 of 2011

Dated: 26.07.2017