



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

And

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P (MD) No.6492 of 2018

Tamil Nadu Annal Gandhi Driver
Conductor, Constructions
Non formal Organization,
Rep.by its Secretary
K.V.Subburaman

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Transport Department,
Secretariat, St.George Fort,
Chennai.
2. The Secretary,
Labour Department,
Secretariat,
St.George Fort,
Chennai.
3. The Director General of Police,
Mylapore,
Chennai 600 004.
4. The District Collector,
Karur District,
Karur.
5. The Superintendent of Police,
Karur District, Karur.
6. The Deputy Commissioner of Labour,
Labour Department,
Karur District,
Karur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing respondents to consider the representation of the petitioner dated 02.01.2018 within stipulated time fixed by this Court and consequently direct the respondents 1 to 5 herein to implement the



provision under Section 3 of The Motor Transport Workers Act ensuring the Transport Employers registered their respective employees names and particulars before the respondents 6 to 8.

For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.R.Sethuraman
Special Government Pleader

ORDER

(Order of the Court was made by C.T.SELVAM, J.)

By consent, Writ Petition itself, is taken up for final disposal.

2. Mr.R.Sethuraman, Learned Special Government Pleader takes notice for respondents.

3. This Writ Petitioner seeks issuance of a Writ of Mandamus to respondents to consider the representation of petitioner dated 02.01.2018 and consequently direct respondents 1 to 5 to implement the provision under Section 3 of The Motor Transport Workers Act ensuring the Transport Employers registered their respective employees' names and particulars before respondents 6 to 8.

4. Under orders dated 26.03.2018, this Court has directed that 'the respondents shall enforce the compliance, by the Motor Transport Operators, of the provision of Section 3 of the Motor Transport Workers Act, 1961 and registration of their employees'.

5. The counter of the respondents interalias informs as follows:-

"3. I respectfully submit that the Compact Disc forwarded by the Regional Transport Officer of Karur along with letter No.9338 / A2 / 2018 dated 02.04.2018. From the data available in the above mentioned Compact Disc sent by the RTO, Karur. The registration of Motor Transports in and around Karur District, as per Tamil Nadu Motor Transport Workers Act, 1961 Section 1 and Sub Section (4), the entire Motor Transport Establishments details analysis by the Karur Assistant Commissioner of Labour (Enforcement) and Deputy Inspector of Labour, Karur take necessary steps to register the above mentioned those Establishments Covered by Tamilnadu Motor Transport Workers Act, 1961.

4. I respectfully submit that before 2009, as per Tamil Nadu Motor Transport Workers Act, 1961, a Motor Transport Establishment register as per the



above said Act, the minimum 5 labourers ought to be employed by the employer. Now as per G.O.No.278, dated 26.10.2010 (Part IV Section 2) that a single employee utilized by employer ought to register. Till this date there are 50 Motor Transport Establishments are registered before the Labour Department, Karur.

5. I respectfully submit that in Karur District there are 2779 Un-organized Labour are registered without any entry fee before Tamilnadu Un-organized Drivers Welfare Board. Further there are Rs.47,37,750/- (Rupees Forty Seven Lakhs Thirty Seven Thousand and Seven hundred and Fifty only) monetary benefits granted to 1667 beneficiaries. Apart from that every month Rs.1000/- each retirement pension granted to 103 persons in Karur District. It is pertinent to note that now eligible person can register themselves through online itself. The writ petitioner purposely suppressed the above said registration availability through on line filed this petition vexatious."

6. Besides reiterating the earlier direction of this Court, we would inform that every instance of an eligible person registering himself or herself online may amount to intimation to authorities of non-compliance with the provision of the Act and consequently render the offending person liable for action in keeping with Chapter VIII and particularly, Section 31 of the Act. It will be the bounden duty of the authority to take such action on a case to case basis.

7. With the above observations, this writ petition stands disposed of.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, St.George Fort,
Chennai.
2. The Secretary,
Government of Tamil Nadu
Labour Department,
Secretariat, St.George Fort,
Chennai.



3. The Director General of Police,
Mylapore, Chennai 600 004.

4. The District Collector,
Karur District, Karur.

5. The Superintendent of Police,
Karur District, Karur.

6. The Deputy Commissioner of Labour,
Labour Department, Karur District,
Karur.

+1CC to the Special Government Pleader SR.No.67105

+1CC to Mr.S.Gokul Raj, Advocate, SR.No.67072

W.P (MD) No.6492 of 2018
06.06.2018

MPK

ES/SV/MMS/SAR 4/19.06.2018/4P/9C