



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.08.2018
CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17734 of 2018

WEB COPY

P.Jeyaprasakashram

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation - Head Office,
Virudhunagar,
Virudhunagar District.

2.The Divisional Manager Commercial,
Tamil Nadu State Transport Corporation - Head Office,
Virudhunagar,
Virudhunagar District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Srivilliputhur Branch,
Virudhunagar District.

4.The Superintendent,
Tamil Nadu State Transport Corporation,
Srivilliputhur Branch,
Virudhunagar District.

... Respondents

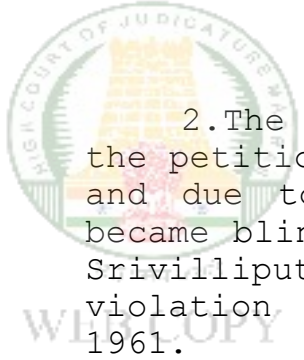
PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to give 8 hours duty to the petitioner on the basis of Sections 13 of Motor Transport Workers Act, 1961 and the Tamil Nadu Transport Workers Rules, 1965.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.A.P.Muthupandian for R1 to R4

ORDER

The petitioner has come forward with the present Writ petition to issue a Writ of Mandamus, directing the respondents 2 to 4 to give 8 hours duty to the petitioner on the basis of Sections 13 of Motor Transport Workers Act, 1961 and the Tamil Nadu Transport Workers Rules, 1965.



2.The contention of the learned counsel for petitioner is that the petitioner was appointed as Driver in the respondent Corporation and due to an accident, he suffered grievous injuries and also became blind partially. Hence, he is engaged to sell Amma Water at Srivilliputhur bus stand from 6.00 a.m. to 10.00 p.m. which is in violation of the provisions of the Motor Transport Workers Act, 1961.

3.When the matter is taken up for hearing though no counter affidavit has been filed by the respondents, the learned counsel for the respondents fairly submitted that the respondents will extract work from the petitioner, as per the relevant Act.

4.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5.The Motor Transport workers has to work upto eight hours a day or to the maximum extent of 10 hours, including overtime. In case of spread-over, inclusive of interval for rest, they shall not be spread over more than twelve hours in any day.

6.In view of the above and taking note of the fact that the petitioner is partially blind, the respondents are directed to ensure that the petitioner works for only 8 hours in a day. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

+1CC to Mr.R.Murugappan, Advocate, SR.No.78193

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NBJ

ES/PM/SAR 1/27.10.2018/2P/2C