



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

CORAM :

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) .No.1051 of 2016
and

W.M.P. (MD) .No.869 of 2016

M.Suresh Subramanian

...Petitioner

Vs.

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

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli.

3.The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Tirunelveli Division
Tirunelveli.

4.The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
Thoothukudi Division,
Thoothukudi.

5.The Inspector of Police,
Tirunelveli,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from extracting work for more than 8 hours in a day and 48 hours in any week including sign-in, sign-off, subsidiary work, running time and the rest period as per Section 2(F), 13 and 15 of the Motor Transport Workers Act, 1961 and Clause 4 of 12(3) settlement dated 20.09.1995 and direct the respondents to fix the kilometer to be ply within eight hours of work including sign-in, sign-off, subsidiary work, running time and rest period for all kind of transport vehicles.



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For Petitioner : Mr.J.Ashok
For Respondents : Mrs.S.Srimathy for R1 & R5
Special Government Pleader
: Mr.Sathiyasingh for R2 to R4

ORDER

Heard the learned counsel on either side.

2.The petitioner is an office bearer of the employees/Union.

3.The grievance of the petitioner is that the Public Transport Corporation i.e., the Tamil Nadu State Transport Corporation, Tirunelveli, does not comply with the requirements set out in Motor Transport Workers Act, 1961. If the petitioner is aggrieved by the non compliance with the provisions of a statute, it is for him to work out his remedies within the frame work of the statute. Likewise, if the settlement entered into between the Management and the workers is not adhered to, the remedy as set out under Industrial Dispute Act must be resorted to. Filing a Writ Petition cannot be a remedy.

4.The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Inspector of Police,
Tirunelveli, Tirunelveli District.
+One cc to The Special Government Pleader, SR.No.53630
tsg
RL/4C/2P/KK/SAR2/21/3/2018