

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.5868 of 2004

Kovai Arasu Pokkuvarathu Ozhiyar Sangam,
rep.by its General Secretary,
109, Park Street,
Coimbatore - 9.

.. Petitioner

Vs.

Tamilnadu State Transport Corporation
(Coimbatore Division - I) Limited,
rep.by its Managing Director,
37, Mettupalayam Road,
Coimbatore - 43.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondent from withdrawing weekly-off and changing shift pattern in violation of Section 9A of I.D.Act.

For Petitioner : Mr.V.Ajay Khose

For Respondent : Mr.P.Kannan Kumar

O R D E R

The petitioner has come out with the present Writ Petition forbearing the respondent from withdrawing weekly-off and changing shift pattern in violation of Section 9A of I.D.Act.

2.The similar issue came up for consideration before this Court in W.P.Nos.27317, 20938, 20939, 22290, 22837, 24476 and 30908 of 2003. This Court by the order dated 21.12.2012 considering the Section 9A of the Industrial Disputes Act, 1947 and Sections 36 and 37 of The Motor Transport Workers Act, 1961 and judgment of Division Bench of this Court dated 29.10.2010 made in W.A.No.3587 of 2009, directed the petitioners therein to file appropriate application before the Joint Commissioner of Labour, Teynampet and on receipt of such application, the Joint

Commissioner of Labour, Teynampet, is directed to dispose of the same after hearing the parties. The said order as well as the judgment of the Division Bench of this Court in W.A.No.3587 of 2009 cover the issue involved in this Writ Petition also.

3. In view of the same, the members of the petitioner's sangam are given liberty to file appropriate application before the Joint Commissioner of Labour, Teynampet, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the Joint Commissioner of Labour, Teynampet, shall consider the same after issuing notice to the members of the petitioner's sangam as well as the respondent/Transport Corporation within a period of four weeks from the date of receipt of application.

4. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

krk

To

The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore Division - I) Limited,
37, Mettupalayam Road,
Coimbatore - 43.

+1cc to Mr.P.Kannan Kumar, Advocate SR.72900

W.P.No.5868 of 2004

RJI (CO)
CB(15/11/2019)

सत्यमेव जयते

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