

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19189 of 2013

Tamil Nadu State Transport Corporation
Driver, Conductor, Workers Trade Union
Rep.by its Secretary R.Ravi kumar
Office having at ESI Complex, II Floor,
Karamattai Road,
Mettupalayam-641 301.Petitioner

vs.

The Management of
Tamil Nadu State Transport Corporation
Coimbatore Ltd.,
37, Mettupalayam Road,
Coimbatore-43. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to implement the 12(3) settlement dated 22.01.2011 Parvi/C1/65956/10 by the Special Deputy Commissioner of Labour, Chennai to implement the clause 1 and 4 of the terms of settlement with consequential benefits.

For Petitioner : M/s.G.Vaishali
for M/s.T.Fenn Walter Asso.

For Respondents : Mr.S.Sai Raman

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to implement clause Nos.1 and 4 of the 12(3) settlement dated 22.01.2011 Parvi/C1/65956/10 by the Special Deputy Commissioner of Labour, Chennai with consequential benefits.

2. The Members of the writ petitioner/Trade Union are Drivers, Conductors, & workers in the Tamil Nadu State Transport Corporation. The Management of the said Corporation is the respondent herein.

3. Admittedly, 12(3) settlement was entered into between the Management and the Registered Trade Unions. The grievance of the writ petitioner is that certain clauses have not been

implemented by the respondent/Management. Even in such cases, the writ petitioner/Union has to raise appropriate proceedings under the provisions of the Industrial Disputes Act.

4. The learned counsel for the respondent states that after the settlement dated 22.01.2011, in the year 2016, yet another settlement was also entered into between the Management and the Trade Union.

5. This being the factum, the writ petitioner cannot file a writ petition seeking for a direction to implement the 12(3) settlement and the grievance, if any, with reference to the settlement is to be raised before the Competent Authority under the provisions of the Industrial Disputes Act. Therefore, the writ petition is not maintainable.

6. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Management of
Tamil Nadu State Transport Corporation
Coimbatore Ltd.,
37, Mettupalayam Road,
Coimbatore-43.

2.The Special Deputy Commissioner of Labour,
Chenani.

+1cc to M/s.T.Fennwalter Associates, Advocate Sr.88420

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BS(CO)
srg 12/12/2019