

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31070 of 2019

and

W.M.P.No.31187 of 2019

1.A.Settu

2.R.Raji

3.R.Senthil Velmurugan

4.P.Subramanian

5.L.Sambandam

6.R.Krishnan

7.R.Deenadayalan

8.A.Dayalan

9.G.Shanmugam

10.Durairaj

..Petitioners

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram - 605 602

..Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the petitioners' representation dated 03.06.2019 by taking into consideration the settlement dated 27.03.2017 entered between the respondent and the similarly placed employees and pass suitable orders and pass further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.M.Selvam

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to consider the petitioners' representation dated 03.06.2019 by taking into consideration the Settlement dated 27.03.2017.

2. The copy of the representations given by the writ petitioner dated 10.11.2017 and 03.06.2019 are enclosed along

with the typed set of papers. Perusal of the representations reveals that the petitioners seek the benefit of the Settlement entered into between the Management and the Trade Union.

3. The learned counsel appearing on behalf of the writ petitioners also states that the terms and conditions of the Settlement has not been implemented and in this regard, the petitioners have submitted representation to the Managing Director of the Tamil Nadu State Transport Corporation.

4. This Court is of an opinion that in the event of violations of any of the terms and conditions of the Settlement, the writ petitioners or the Union has to approach the appropriate authority by invoking the provisions of the Industrial Disputes Act. Contrarily, they cannot file a writ petition, seeking a direction to consider the representation by the Managing Director. Such a relief cannot be granted as the Managing Director is also a party to the Settlement and in the event of any violation by the Management, then the employees have to approach the competent authorities for the purpose of redressal of their grievances. Under these circumstances, the petitioners are at liberty to approach the competent authority for the purpose of redressing their grievances.

5. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram - 605 602

+1 CC to Mr.M.Selvam, Advocate sr 92419
+1 C cto Mr.Antony Arokiaraja, Advocate sr 92757.

W.P.No.31070 of 2019

RSV (CO)
SP(06/12/2019)