

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.09.2019

CORAM

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

W.P.No.19899 of 2017

TNCSC Employees Union

Regn No.325/CPT

Affiliated with Labour Progressive Federation

Represented by its State President

No.42, Thambusamy Road

Kilpauk, Chennai.

...Petitioner

vs

1.Tamil Nadu Civil Supplies Corporation

Represented by its Managing Director

No.42, Thambusamy Road,

Kilpauk, Chennai - 600 010

2.The Senior Regional Manager,

Tamil Nadu Civil Supplies Corporation

Satchidananda Mooppanar Road,

Near Membalam

Thanjavur - 613 001

3.The Senior Regional Manager,

Tamil Nadu Civil Supplies Corporation

Master Plan Complex,

Collectorate,

Nagapattinam - 611 001

4.The Senior Regional Manager,

Tamil Nadu Civil Supplies Corporation

Mannargudi Road,

Velamal,

Thiruvarur - 610 001.

5.The Senior Regional Manager Chennai(North)

Tamil Nadu Civil Supplies Corporation

NO.7, Conrons Smith Road, Gopalapuram,

Chennai - 600 086.

- 6.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation
Goundampalayam,
Coimbatore - 641 030.
- 7.The Regional Manager Chennai (South)
Tamil Nadu Civil Supplies Corporation
No.7, Conrsonsmith Road,
Gopalapuram, Chennai - 600 086.
- 8.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Raghavan Commercial Compled,
2nd floor, 36, Vellala Street,
Ariyalur - 621 704.
- 9.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Nellikuppam Road, Semmandalam,
Cuddalore - 607 001.
- 10.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
No.1, Salem Main Road,
Dharmapuri - 636 705.
- 11.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Near Collector Office,
District Sports Ground Backside,
Dindigul - 624 001.
- 12.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
No.38a/10, Housing Unit,
Nasiyanur Road,
Manickampalayam,
Erode - 638 011.
- 13.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Vandavasi Road,
Pallavan Nagar (housing Board)
Kanchipuram - 631 501.
- 14.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Konam, Nagarcoil,
Kanniyakumari - 629 004.

15. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Collectorate Complex,
Karur - 639 562.
16. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Tncsc Complex, By Pass Road,
Krishnagiri - 635 001.
17. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Ward No.10, Kuruvikaran Salai,
Aringnar Anna Nagar,
Madurai - 625 020.
18. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Namakkal Collector Office Back Side,
Siluvampatti Post,
Namakkal - 637 003.
19. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
198/a, Goodshed Road,
Nilgiris - 643 001
20. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Thurai Mangalam,
Perambalur - 621 220
21. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Kalyanapuram 1st Street,
Trichy Bye-pass Road,
Pudukottai - 622 002
22. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Collectorate Master Plan Complex,
Ramanathapuram - 625 525
23. The Regional Manager,
Tamil Nadu Civil Supplies Corporation
No.528, Trichy Main Road,
Dasanaikenpatti(Post)
Salem - 636 201

- 24.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Collectorate Complex,
Phase-ii,
Sivagangai - 630 562
- 25.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
No.3-112, R.m.t.c.Colony,
Bodi Main Road,
Theni - 625 531.
- 26.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Court Complex,
Trichy - 628 008.
- 27.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
No.9f, St.thomas Road,
Maharajah Nagar,
Thirunelveli - 627 011.
- 28.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
No.6, Lalbagadur Street,
Periyakumam, Thiruvallur - 602 001.
- 29.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Sidco Complex, Vellore Road,
Vengikal, Thiruvannamalai - 606 604.
- 30.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
No.c42, 43,44, Sipcot Complex,
Turicorin - 628 008.
- 31.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Pallavansathukuppam,
Vellore - 632 002.
- 32.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Chennai Road, Villupuram - 605 602.

33.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
Collectorate Complex,
Virudhunagar - 626 001.

34.The Regional Manager,
Tamil Nadu Civil Supplies Corporation
48, NGR Nagar Main Road,
SRC Mill Compound,
Uthukuli Main Road,
Tirupur - 641 601.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents corporation to abide by Clause 3 of Settlement of 19.09.1991 and clause 5 and 6 of the settlement of 30.01.1997 unless the same is substituted by another settlement or an award and issue such further or other appropriate orders or directions as this Honourable Court may deem fit and proper in the facts and circumstances of the case, award costs and thus render justice.

For Petitioner : M/s.M.Karthikayani
for M/s.K.Sudalai kannu

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the Respondents Corporation to abide by Clause 3 of Settlement of 19.09.1991 and clause 5 and 6 of the settlement of 30.01.1997 unless the same is substituted by another settlement or an award and issue such further or other appropriate orders.

2. The writ petitioner is TNCSC Employees Union. The grievances of the writ petitioner is that a preference to the qualified seasonal employees in the 'Direct Purchase Centers' [DPC], while filling the regular vacancies is to be provided.

3. In this regard, it is contended that the Clause 3 of Settlement dated 19.09.1991 is to be implemented. The same clause is incorporated in Clause 5 and 6 of the Settlement dated 30.01.1997 also.

4. The learned counsel for the writ petitioner states that undoubtedly subsequent settlements were also entered into between the Union as well as the Management. However, the learned counsel states that it is not made clear, whether all the eligible workmen are absorbed in the regular vacancy or not. However, the learned counsel appearing on behalf of the respondents made a submission that the writ petition cannot be entertained as the writ petitioners have not exhausted the effective alternate remedy provided under the ID Act.

5. It is further stated that 12(3) settlement dated 30.01.1997, which is sought to be adhered is a time barred one.

6. Under these circumstances, if at all, any of the clauses of the settlement is violated or not adhered to, the writ petitioner Union has to approach the Appellate Authority for the purpose of redressal of their grievances. The procedures as contemplated and the efficacious remedy available under the Act is to be exhausted before approaching the Hon'ble High Court. The Hon'ble High Court cannot adjudicate the disputed issues in a writ proceedings under Article 226 of the Constitution of India. Such disputed issues and facts are to be adjudicated only by verifying the original records and by adducing evidences, if required. Such an exercise cannot be done in the writ proceedings and therefore, the petitioner has to exhaust the alternate remedy for the purpose of redressing their grievances, if at all any grievances exists as of now.

7. With this liberty, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

WEB COPY

To

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+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.77052
+1cc to Mr.K.Sudalaikannu, Advocate Sr.77418

W.P.No.19899 of 2017

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srg 04/10/2019

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