



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2019

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No.17217 of 2019

WEB COPY

K.Lakshmanan

... Petitioner

Vs.

1. The General Manager,
Nagercoil Region,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil,
Kanyakumari District.

2. Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
represented by its
Managing Director,
Kattabomman Nagar,
Tirunelveli - 11.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to post the petitioner in the duty as Driver in Ranithottam Branch No.III, in the usual Bus bearing Route No.50A flying between Nagercoil Anna Bus stand to Athalavilai.

For Petitioners : Mr.V.Kannan
For Respondents : Mr.K.Sathiyasingh
Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondents to post the petitioner in the duty as Driver in Ranithottam Branch No.III, in the usual Bus bearing Route No.50A flying between Nagercoil Anna Bus stand to Athalavilai.

2.Mr.K.Sathiyasingh, learned Standing Counsel takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he is working as Special Grade Driver in the respondent Corporation. As per the settlement arrived at between the management and the trade unions of the Tamil Nadu State Transport Corporations, the General Managers of the respondent Corporation directed the Branch Managers to give duty to the employees including the petitioner on rotation, based on the seniority. But, without following the same, the Drivers and the



Conductors were posted for duty, for which, the employees have constrained to move various writ petitions before this Court and got an order of interim direction to maintain *status quo* and not to make any change in the posting of the employees.

4. With regard to the same, the petitioner sent a representation on 16.04.2019 to the respondents to take necessary action to post him as Driver in Ranithottam Branch No.III in the usual Bus bearing Route No.50A flying between Nagercoil Anna Bus stand to Athalavilai. But, so far no action has been taken till date. Hence, the petitioner is before this Court for the relief stated supra.

5. In reply, the learned Standing Counsel appearing for the respondents would submit that this writ petition is not maintainable since on rotation basis, the employees have already been agreed to work, based on the seniority, in view of the settlement under the Industrial Disputes Act arrived at between the management and the trade unions of the Tamil Nadu State Transport Corporations.

6. At this juncture, the learned counsel appearing for the petitioner would submit that it is suffice, if a direction is issued to the first respondent to consider the representation of the petitioner dated 16.04.2019, within a time frame to be fixed by this Court.

7. In view of the submission made on either side, without expressing any opinion on the merits of the case, this Court directs the first respondent to consider the petitioner's representation dated 16.04.2019, and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

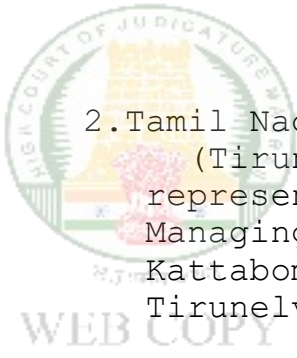
Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The General Manager,
Nagercoil Region,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil,
Kanyakumari District.



2.Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
represented by its
Managing Director,
Kattabomman Nagar,
Tirunelveli - 11.

+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-80190[F] dated
07/08/2019)
+1 CC to Mr.V.KANNAN, Advocate (SR-80221[F] dated 07/08/2019)

W.P. (MD) No.17217 of 2019
05.08.2019

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