



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.21036 of 2019

S.Jeyasenthilkumar

... Petitioner

Vs.

1.The Secretary to Government,
Transport Department,
Government of Tamil Nadu,
Fort St. George, Chennai-9.

2.The Secretary to Government,
Labour Department,
Government of Tamil Nadu,
Fort St. George, Chennai.

3.The Assistant Commissioner of Labour,
Bharthi Ula Road,
Thamarai Thotti, Madurai.

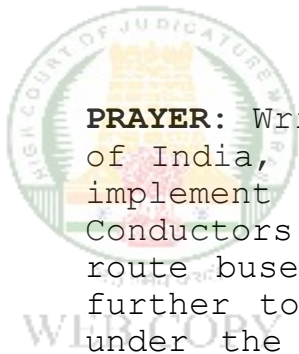
4.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Limited,
Bye Pass Road, Madurai.

5.The General Manager,
Tamil Nadu State Transport Corporation,
Madurai Limited,
Madurai Division,
Bye Pass Road, Madurai.

6.The Divisional Manager,
Commercial,
Tamil Nadu State Transport Corporation,
Madurai Limited,
Bye Pass Road, Madurai.

7.The Branch Manager,
Tamil Nadu State Transport Corporation,
Madurai Limited,
Thirumangalam Branch,
Madurai.

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to implement the Batch List for provide duty to the Drivers and Conductors on rotational basis on seniority by including all the route buses and town buses under clause 32 of the settlement, and further to direct the respondents not to allot any specific buses under the control of any union on the basis of the petitioner's representation, dated 30.08.2019.

For Petitioner	: Mr.A.Mu.Shravanan
For R1 to R3	: Mr.VR.Shanmuganathan, Special Government Pleader
For R4 to R7	: Mr.J.Senthil Kumaraiah

ORDER

This writ petition is filed seeking for a mandamus, directing the respondents to implement the Batch List for providing duty to the Drivers and Conductors on rotational basis on seniority by including all the route buses and town buses under clause 32 of the settlement, and further to direct the respondents not to allot any specific buses under the control of any union, on the basis of the petitioner's representation, dated 30.08.2019.

2. Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice for the respondents 1 to 3 and Mr.J.Senthil Kumaraiah, learned counsel takes notice for the respondents 4 to 7. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, as per Clause 32 of Settlement, dated 06.02.2008 entered under Section 12(3) of the Industrial Disputes Act, the respondents should allot the buses to the drivers and conductors on rotation basis on seniority. The respondents contrary to the said clause of the settlement entered under Section 12(3) of the Industrial Disputes Act, have prepared the batch list for providing duty to the drivers and conductors. Therefore, the petitioner has sent a representation to the sixth respondent, but he has not passed any orders on the representation, so far. Hence, the petitioner has come out with the present writ petition.

4. The petitioner is seeking for a direction to the respondents to implement the Clause 32 of Settlement, dated 06.02.2008 entered under Section 12(3) of the Industrial Disputes Act. Such a relief is not maintainable. If the petitioner is aggrieved, he has to approach the appropriate forum as contemplated under the Industrial Disputes Act.



5. With the above observations, the writ petition is dismissed.
No costs.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar (CS)

Am

To

1. The Secretary to Government,
Transport Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-9.

2. The Secretary to Government,
Labour Department,
Government of Tamil Nadu,
Fort St. George, Chennai.

3. The Assistant Commissioner of Labour,
Bharthi Ula Road,
Thamarai Thotti,
Madurai.

+1 CC to Mr. J. SENTHIL KUMARAI AH, Advocate SR-90682.

W.P. (MD) No. 21036 of 2019

30.09.2019

CS (17.10.2019) 3P 5C