



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 22639 of 2015

and

M.P. (MD) No. 1 of 2015

All India Trade Union Congress
rep. by its Madurai Mandala General Secretary
M. Narayanasingh @ Nanthasingh
Pattukottai Kalyanasundaram Street
Opp. PRC, Bye-Pass Road, Madurai

... Petitioner

vs.

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

2. The Managing Director
Tamil Nadu State Transport Corporation
Madurai Limited, Madurai

... Respondents

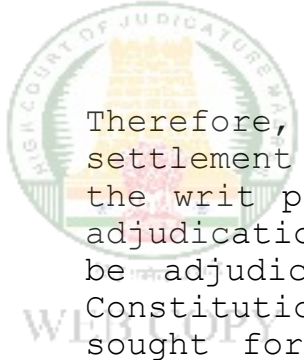
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus direct the respondents to by giving duty posting to the conductors and drivers on rotational basis on seniority by including all the city buses and route buses and further direct the respondents not to allot any buses under its control to any trade union on the basis of the petitioner representation dated 09.12.2015.

For Petitioner	: Mr. A. Mu. Sharavanan
For Respondents	: Mr. D. Muruganandam
	Additional Government Pleader for R1
	Mr. J. Senthil Kumaraiah for R2

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to provide duty posting to the conductors and drivers on rotational basis on seniority by including all the city buses and route buses and not to allot any buses under their control to the Trade Union, on the basis of the writ petitioner's representation, dated 09.12.2015.

2. The relief as such sought for in the present writ petition is absolutely misconceived. Allotment of job responsibilities and works is the administrative prerogative of the authorities concerned. However, the authorities competent are bound to allocate the works in accordance with the rules in force.



Therefore, if there is any violation in respect of the agreement or settlement under Section 12(3) of the Industrial Disputes Act, then the writ petitioner has to approach the competent Labour Court for adjudication of the issues. The violations of the settlement cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. This apart, the very nature of the prayer sought for in the present writ petition for allocation of works cannot be considered in a writ petition and no such direction can be issued to the appropriate authorities to allocate the works in a particular manner or otherwise. All such official performances are to be done by the competent authority with reference to the rules in force and the High Court cannot interfere with the administrative affairs of the authority concerned in a routine manner. This being the principles to be followed, the relief as such sought for in the present writ petition deserves no merit consideration.

3. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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

+1 CC to SPL GP (SR-75999[F] dated 18/07/2019)
+1 CC to Mr.J.SENTHIL KUMARAI AH, Advocate (SR-75933[F] dated 18/07/2019)

W.P. (MD) No.22639 of 2015
and
M.P. (MD) No.1 of 2015
17.07.2019

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