



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.1778 of 2014
and
MP (MD) No.1 of 2014

S.Pandimuthu

... Petitioner

-Vs-

1.The General Manager,
Tamil Nadu Strate Transport Corporation,
Kumbakonam Division,
Marudupathi Nagar,
Karaikudi, Sivakangai District.

2.The Commissioner of Labour,
Labour Office,
DMS Complex,
Thenampet, Chennai-9.

3.The Secretary,
Tamil Nadu State Transport Department,
Secretariat, St. George Fort,
Chennai-9.

4.Akbar

5.The Branch Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Division, Ulaganeri,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent corporation to strictly adhere the section 13 and 26 of the Motor Transport Workers Act, 1961 so far as the petitioner is concerned.

For Petitioner : Mr.S.Sajibino

For Respondents: Mr.D.Sivaraman
Standing Counsel (for R1 and R5)

Mr.D.Muruganandham
Additional Government Pleader
(for R2 and R3)



No Appearance (for R4)

ORDER

The relief sought for in the present writ petition is to direct the first respondent Corporation to strictly adhere the section 13 and 26 of the Motor Transport Workers Act, 1961, so far as the petitioner is concerned.

2.The grievance of the petitioner is that the respondents 4 and 5 compelled him to work 24 hours on the next day also and the petitioner was forced to drive the vehicle bearing Registration No.TN-63-N-1261, Route No.136, plying from Madurai to Thanjavur. The petitioner states that he was directed to perform the duties of the driver over and above the prescribed duty hours. Thus, the petitioner is constrained to move the present writ petition.

3.This Court is of the considered opinion that the petitioner is no more now and as per the submission made by the learned Standing Counsel for the respondents 1 and 5, the petitioner died on 23.06.2017. However, Paragraph No.5 of the counter provides details regarding the duties allotted to the petitioner, which reads as under:-

"..5.I submit that with regard to the averments in para 4 it is also false to state that writ petitioner compelled to work 24 hours at next day that is 10.01.2014 is also not true and not admitted by the respondent. The shed out time of Vehicle TN63/N1261 is 13.35 hours from Madurai Depot and the shed in time is 23 hours at Mattuthavani Bus Stand. Hence, total duty hours is only 9.2 hours and not the 24 hours. The total duty hours after deducting the time taken from bus stand to shed and back and availing rest time at bus stand would come around 8 hours only. So the petitioner has not performed any extra duty hours. He has performed only actual duty hours."

4.However, the cause did not exist as of now, as the petitioner died. Thus, no further adjudication is required and accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

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/ /2020

Sub Assistant Registrar(CS)



To

1.The Commissioner of Labour,
Labour Office,
DMS Complex,
Thenampet, Chennai-9.

2.The Secretary,
Tamil Nadu State Transport Department,
Secretariat, St. George Fort,
Chennai-9.

+1 CC to M/s.GP (SR-26241[F] dated 18/12/2020)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-26330[F] dated 18/12/2020)

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17.12.2020

sjj (CO)
TR(28.12.2020) 3P 5C