



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.9750 of 2014

Tamil Nadu Arasu Pokkuvarathu Kalaga
Kamaraj Nadar Tholilalar Sangam-537, KKM,
Through its General Secretary,
I.Devaram Justin,S/o.Isravel,
Mathias Nagar,Nagercoil-629 001,
Kanyakumari District.

... Petitioner

-Vs-

1.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli Limited),
Rani Thottam,
Nagercoil-629 001.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli Limited),
Vannarpeth, Tirunelveli-627 001,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to install finger touching machine in all branches under the control of the respondents to ensure that the workers attended the work on the particular day forthwith.

For Petitioner : Mr.M.Dennis Joe

For Respondents : Mr.K.Sathiyasingh
Standing Counsel

ORDER

The writ petitioner is the Tamil Nadu Arasu Pokkuvarathu Kalaga Kamaraj Nadar Tholilalar Sangam. The relief sought for in the present writ petition is to direct the respondents to install finger touching machine in all branches under the control of the respondents to ensure that the workers attended the work on the particular day forthwith.

2.The grievance of the writ petitioner is that the petitioner is a registered trade union under the Trade Union Act 1926 in Registration No.537 KKM, dated 18.01.2006. The Tamil Nadu State Transport Corporation Limited, Tirunelveli Division at Nagercoil is operating more than 1000 buses and near about 1500



drivers, conductors and other staffs are working in different branches at Nagercoil Division. The petitioner states that the installation of finger touching machine, in all branches, is necessary for effective functioning.

3.This Court is of the considered opinion that the installation of finger touching machines, computers and other equipments are the policy decision to be taken by the authorities competent. This is an administrative **prerogative** and developmental activity of the Corporation to be decided by the appropriate authority. The petitioner being a trade union, has no *locus standi* to interfere with the administrative facilities to be provided in transport corporations, bus-depot and in offices. It is beyond the purview of the registered trade union, that they can make a request to the authorities competent and the request may be considered by the authorities in the interest of the administration. However, Courts cannot issue any direction to the respondents to install finger touching machine or any other equipment for the effective and efficient administration. Therefore, the petitioner-Union are at liberty to submit representation to the authorities competent for the purpose of redressal of their grievances and in the interest of public administration. But the High Court cannot issue any direction in this regard, as the same is involved in the monetary implications and a policy decision is to be taken by the administration by considering various facts and circumstances.

4.This being the factum, this Court is not inclined to grant the relief as such sought for in the present writ petition. However, the petitioner is at liberty to approach the authorities competent.

5.With this liberty, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

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Sub Assistant Registrar(CS)

Sji

+1 CC to Mr.K.SATHIYA SINGH, Advocate SR.No. 26190

W.P. (MD) .No.9750 of 2014

17.12.2020

SJ(CO)

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