

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.01.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1138 of 2021

and

W.M.P.Nos.1269 & 1271 of 2021

(Heard through VC)

R.Balakrishnan

.. Petitioner

-vs-

- 1.The Secretary to Government,
Transport Department,
Fort. George,
Chennai - 600 009.
- 2.The Managing Director,
Head Office,
Tamilnadu State Transport Corporation, (Salem Zone)
No.12, Ramakrishna Salai,
Salem - 636 007.
- 3.The General Manager,
Technical - Corporate,
Head Office,
Tamilnadu State Transport Corporation,
(Salem-Dharmapuri) Zone,
No.12, Ramakrishna Salai,
Salem - 636 007.
- 4.The Deputy Manager,
Commercial-Corporate,
Head Office,
Tamilnadu State Transport Corporation,
(Salem-Dharmapuri) Zone,
No.12, Ramakrishna Salai,
Salem - 636 007.
- 5.The Deputy Manager,
Technical,
Tamilnadu State Transport Corporation (Salem Zone),
No.12, Ramakrishna Salai,
Salem - 636 007.
- 6.The Deputy Manager,
Commercial,
Tamilnadu State Transport Corporation (Salem Zone),
No.12, Ramakrishna Salai,
Salem - 636 007.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the second respondent in Circular via Letter No.0199/PAKKAM/TNSTC(SE)/2020 dated 30.11.2020 on the file of the 2nd respondent and quash the same and direct the 2nd respondent to reduce the working time of the employees.

For Petitioner : Mr.R.Murugabharathi

O R D E R

The petitioner has come forward with this writ petition, challenging the Circular via Letter No.0199/EYAKKAM/TNSTC(SE)/2020 dated 30.11.2020 issued by the second respondent and consequently, directing the second respondent to reduce the working time of the employees.

2. Heard the learned counsel appearing for the petitioner.

3. According to the petitioner, vide Circular No.0199/EYAKKAM/TNSTC(SE)/2020 dated 30.11.2020 issued by the second respondent, the working hours have been increased by 4 hours 15 minutes and that the employees have been asked to work for 18 hours a day.

4. The circular does not state so. As the respondent is a Transport Corporation, the officials will be working on shift basis. During the shift time, it has been stated that they should watch the functioning of the transport as well as the passengers, who are travelling in the peak hours. It has been stated that more buses are going to ply during peak hours and for that purpose, the circular has been issued and it is nowhere stated that employees will be asked to work for more hours.

5. The learned counsel for the petitioner submitted that even the workers are not paid over time wages. That issue cannot be gone into. If any worker is asked to work over time, it is for the person concerned to workout his remedy before the appropriate forum and this Court cannot go into the disputed facts. More so, there is no specific mentioning about the working hours from 7:45 a.m. to 7:00 p.m.

6. At the time of dismissing the writ petition, the learned counsel for the petitioner submitted that he has made a representation dated 04.12.2020 to the respondents and the same may be directed to be considered.

7. As the circular has been issued for proper administration, if the representation is directed to be disposed of, it will give further round of litigation and this

Court is not inclined to create one more round of litigation by directing the respondents to dispose of the representation.

8. I find, there is no error in the Circular and hence, this Court is not inclined to accept the contention of the petitioner and hence, the writ petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

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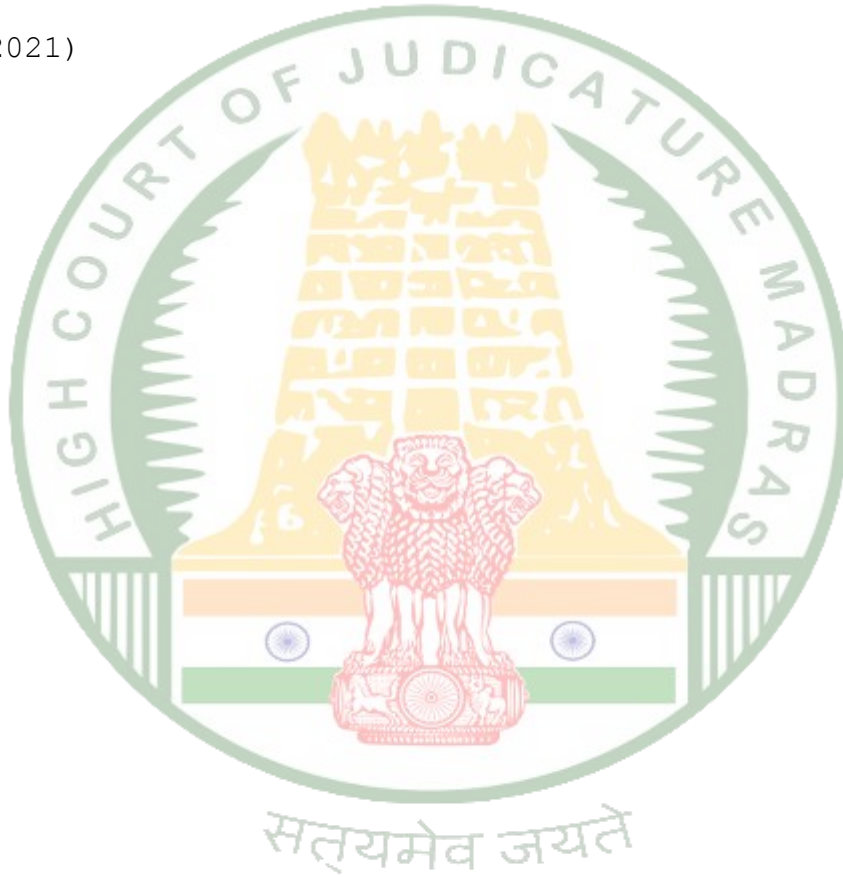
+1cc to Mr.R.Murugabharathi, Advocate, S.R.No.3108

W.P.No.1138 of 2021

and

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KK (CO)
GN (23/02/2021)



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