



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.34042 of 2019

Tamil Nadu Arasu Transport Corporation,
Anna Thozhilalar Sangam in
Villupuram Division - I,
rep. by its Regional Secretary,
P.Natarajan, M/60,
S/o.Palanisamy,
Middle Street, Somandarkudi & Post,
Sankarapuram Taluk,
Villupuram District.

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondent to consider and pass orders on merits by disposing of the written representation made by the Petitioner on 23.09.2019 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.C.S.K.Sathish

O R D E R

Petitioner-Sangam has come up with this Writ Petition seeking a direction to the Respondent to consider and pass orders on merits by disposing of the written representation, dated 23.09.2019.

2. According to the Petitioner, he is the Regional Secretary of Anna Thozhilalar Sangam in Villupuram and Cuddalore Division of Tamil Nadu State Transport Corporation. It is further stated that, Drivers, Conductors and other technicians,



who are members of the Sangam requested the Petitioner-Sangam to disburse Diwali advance amount to them and assured that, if the advance amount is disbursed, the same may be deducted from their salary in two monthly instalments. Accordingly, the Respondent assured that, the Trade Union may disburse Diwali advance amount to the employees. Hence, the Petitioner-Sangam paid Rs.42 lakhs to the employees of the Transport Corporation. Thereafter, the Respondent deducted the said amount in part, from the salary of the employees and repaid Rs.19.70 lakhs to the Petitioner Union. However, the remaining amount of Rs.22.30 lakhs was neither deducted from the employees nor paid to the Petitioner Sangam.

3. Learned Standing Counsel appearing for the Respondent/Transport Corporation submitted that, the contention of the Petitioner Sangam that, the employees have agreed to pay a sum of Rs.2,000/- per month for buying crackers in 2017 and that, Diwali advance amount has been paid by the Trade Union on the assurance given by the employees that, the said advance amount would be deducted by the Management from their wages and paid to the Petitioner-Sangam, is not correct. He went on to state that, the employees have given a complaint, and the same is pending enquiry, and as many as 36 employees have given a letter to the Management that, they have not given any consent for deduction of advance amount from their wages.

4. In reply, learned counsel for the Petitioner submitted that, the remaining amount may be paid to the Trade Union by the Management.

5. Refuting the said submission, learned Standing Counsel for the Respondent Corporation submitted that, no amount can be parted with for the present, as enquiry is pending.

6. Whether the employees have given consent to the Trade Union for deduction of Diwali advance amount from their wages in two instalments, is a disputed question of fact and the same cannot be gone into the present Writ Petition. If there is any amount payable to the Petitioner-Sangam, it is open to the Sangam to approach the appropriate forum for getting relief and this Court cannot direct the Respondent/Transport Corporation to deduct the advance amount from the salary of the employees, and pay it to the Petitioner-Sangam. Depending upon the outcome of the complaint, appropriate action will be taken and disbursement of money, if any, will be made by the Respondent/Transport Corporation to the Petitioner-Sangam.

7. It is made clear that, if any enquiry is initiated by the Respondent/Transport Corporation, the same shall be concluded within three months from the date of receipt of a copy of this order.



The Writ Petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram, Villupuram District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.20467

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.21253

W.P.No.34042 of 2019

GMR(CO)
SB(22/07/2021)