



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.10204 of 2010

and

M.P. (MD)No.1 of 2012

WEB COPY

Tamil Nadu Government Transport
Corporations Staff Federation,
represented by its General Secretary,
Regn.No.601/MDU,
TNSTC HO Complex,
Bye Pass Road,
Madurai-625 010.

... Petitioner

Vs.

1.The Secretary to Government,
Transport Corporation,
Secretariat,
Chennai-600 002.

2.The Managing Director,
State Express Transport Corporation,
(Tamil Nadu) Limited,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

3.The Managing Director,
Metropolitan Transport Corporation,
(Chennai) Limited.,
Pallavan Salai,
Chennai-600 002.

4.The Managing Director,
TNSTC (Madurai) Limited,
Bye Pass Road,
Madurai-625 010.

5.The Managing Director,
TNSTC (Coimbatore) Limited,
37, Mettupalayam Salai,
Coimbatore.



6.The Managing Director,
TNSTC (Salem) Limited,
12, Ramakrishna Road, Salem.

7.The Managing Director,
TNSTC (Kumbakonam) Limited,
Railway Feeder New Road,
Kumbakonam.

8.The Managing Director,
TNSTC (Villuppuram) Limited,
Vazhuthreddy, GST Road,
Villuppuram.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to forbear the respondents from recruiting the posts of Supervisory Cadre directly ie., by way of direct recruitment in the respondents-transport corporations in violation of the directions issued by the Principal Seat of this Court in W.P.No.5009 of 1988, dated 25.06.1991 and in violation of bilateral settlement, dated 24.03.1977 signed under Section 12(3) of Industrial Disputes Act, 1947 for filling up of the posts of Supervisory Cadre in the respondents-corporations and to cancel, not to confirm the recruitments made by the respondents-corporations in violation of order in W.P.No.5009 of 1988, dated 25.06.1991 and settlement dated 24.03.1977.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
for R.1

: Mr.M.Prakash
Standing Counsel for R.2

: Mr.S.Baskaran
Standing Counsel for R.4 to R.8

ORDER

The petitioner federation filed this writ petition seeking for mandamus forbearing the respondents from recruiting the post of Supervisory Cadre by way of direct recruitment in the respondents-transport corporations, in violation of the directions issued by the Principal Seat of this Court in W.P.No.5009 of 1988, dated 25.06.1991 and in violation of bilateral settlement, dated 24.03.1977 signed under Section 12(3) of Industrial Disputes Act, 1947 for filling up of the posts of Supervisory Cadre in the respondents-corporations.



2. Learned Counsel appearing for the petitioner would submit that the above said prayer is sought for only in the year 2010.

3. However the respondents filed counter affidavit, wherein it has been stated as follows:

" 11. I submit that there was no illegality or arbitrariness or violation of Articles 14, 16 and 21 of the Constitution of India, since the appointments are made as per the Common Service Rules. Further, the petitioners have no right to claim for promotion by adopting the quota for promotion and it is for the management to choose the method as per the Rules in force.

12. I submit that the 1st Respondent/Tamil Nadu State Transport Corporation is the Public Utility Concern, which is wholly owned by the Government of Tamil Nadu and appointments have been made according to law and rules. If injunction for filling up the vacant posts is not vacated not only the 1st Respondent but also the public will be put to irreparable loss and grave hardship.

13. The 1st Respondent submits that the petitioners are not entitled to any relief as sought for by them in the writ petition. The 1st Respondent undertakes to abide by the rules in force."

4. On a perusal of the above said counter affidavit, it is made clear that the appointments are made by the respondents as per the Common Service Rules of the Transport Corporation and no breach of settlement dated 24.03.1977 signed under Section 12(3) of Industrial Disputes Act, 1947 and there is no violation of the order of this Court made in W.P.No.5009 of 1988, dated 25.06.1991.

5. In view of the above, nothing survives for adjudication in this matter. Accordingly, this Writ Petition is closed. No costs.

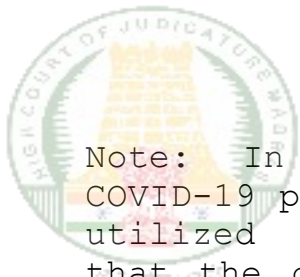
Sd/-

Assistant Registrar(CRL SIDE)

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/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Secretary to Government,
Transport Corporation,
Secretariat,
Chennai-600 002.

+1 CC to M/s.A.RAHUL, Advocate (SR-4366[F] dated
10/02/2021)

W.P (MD) No.10204 of 2010
09.02.2021

SE (CO)
TR(17.02.2021) 4P 3C