



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.3062 of 2010

and

W.M.P(MD)No.1 of 2010

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Thamizhaka Arasu Pokuvarathu Thozilalar Sangam,
Represented by its General Secretary,
23, B.Nesamani Nagar,
Rani Thottam
Nagercoi- 629 001.

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Labour and Employment Department,
Fort St George, Chennai.

2.The Management of Tamil Nadu State
Transport Corporation (Madurai) Ltd
Represented by its Managing Director,
Madurai.

3.The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd,
Nagercoil Region,
Represented by its General Manager,
Nagercoil.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus directing the 1st respondent to take criminal action against the 2nd and 3rd respondents under Section 29 of the Industrial Disputes Act, 1947 for breach / violation of the Settlement dated 28.09.1995 and directing the 2nd and 3rd respondents to run all the canteens in the 1st respondent region directly as per settlement dated 28.09.1995.

For Petitioner	:	Mr.S.Arunachalam
For Respondent No.1	:	Mr.M.Muthugeethaiyan, Special Government Pleader
For Respondent No.2	:	Mr.J.Senthil Kumaraiah, Standing Counsel
For Respondent No.3	:	Mr.K.Sathiya Singh, Standing Counsel



ORDER

This writ petition is filed seeking a writ of mandamus directing the 1st respondent to take criminal action against the 2nd and 3rd respondents under Section 29 of the Industrial Disputes Act, 1947 for breach / violation of the Settlement dated 28.09.1995 and directing the 2nd and 3rd respondents to run all the canteens in the 1st respondent region directly as per settlement dated 28.09.1995.

2.The learned Counsel appearing for the petitioner submitted that there was a settlement under Section 12(3) of the Industrial Disputes Act, 1947 in on 28.09.1995. However, the 2nd and 3rd respondents repeatedly violated the said settlement, which is violative of Section 29 of the Industrial Disputes Act, 1947. Therefore, in this regard, the petitioner had made a representation dated 15.01.2010, for taking action against the respondents 2 and 3 under Section 29 of the I.D.Act. But, the said representation was not considered by the authorities concerned. Therefore the petitioner is before this Court.

3.Mr.Arunachalam, learned Counsel appearing for the petitioner fairly submitted that this Court may direct the respondents to consider the petitioner's representation dated 15.01.2010 and to pass orders on merits and in accordance with law, for which, the learned Special Government Pleader appearing for 1st respondent has no serious objection.

4.Considering the limited request of the learned Counsel appearing for the petitioner and also in view of the no objection raised by the learned Special Government Pleader, this Court directs the 1st respondent to consider the petitioner's representation dated 15.01.2010 and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



- 1.The Secretary,
Labour and Employment Department,
Fort St George,
Chennai.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd
Madurai.
- 3.The General Manager,
The State Transport Corporation (Madurai) Ltd,
Nagercoil Region,
Nagercoil.

W. P (MD) No.3062 of 2010
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