



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.5827 of 2018

and

W.M.P. (MD)No.5690 of 2018

WEB COPY

1.M.Senthilkumar

2.Pudukkottai Arasu Pokkuvarathu Oozhiyar

Sangam (Affiliated with CITU),

Registration No.236/PDK,

Represented by General Secretary,

S.Balasubramanian.

...Petitioners

/Vs./

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,

Pudukkottai Region,

Represented by its General Manager,

Having Office at Pillaithanneer Panthal,

Pudukkottai.

...Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to implement Clause 32 of the 12(3) Settlement dated 06/02/2008 and consequently direct the respondent to assign duty / postings to the Drivers and Conductors employed in the Pudukkottai Region of the respondent corporation on the basis of seniority and on rotation basis.

For Petitioners : Mr.S.Govindan
for Mr.A.Rahul

For Respondents : Mr.D.Sivaraman
Standing counsel for state

ORDER

Heard S.Govindan, learned counsel for the petitioners and Mr.D.Sivaraman, learned counsel for the respondent.

2.The prayer of the petitioners is for a mandamus directing the TamilNadu State Transport Corporation to implement Clause 32 of 12(3) settlement dated 06.02.2008 arrived at qua the parties and consequently direct it to assign duty/postings to the Drivers and Conductors employed in the Pudukkottai Region, on the basis of the seniority and on rotation.



3.Mr.D.Sivaraman, appearing for the respondent would deny that there has been any unfairness or inequality in assignment of duties to the Drivers and the Conductors.

4.I find on perusal of the affidavit filed in support of this writ petition that though there is a general allegation that Clause of 12(3) settlement which specifically requires that the assignment of duties shall be done in a fair manner is referred to, no specific instances of such violation have been brought to light.

5.I am thus of view that the petitioners have not established their case for violation of Clause 32 of 12(3) settlement and in the event there are specific grievances, they are always at liberty, citing such instances to bring the same to the notice of the Management for redressal.

6.This Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-34003[F] dated 10/11/2021)

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