



WEB COPY



W.P.No.16090 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16090 of 2016
and
W.M.P.No.16693 of 2016

Salem Tamil Nadu State Transport Corporation
Technical Employees and Employees apolitical
Trade Union, represented by its
Secretary
No.4, S.K. Township
Thathampatti
Salem – 636 014

... Petitioner

Vs.

- 1.The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem – 636 007.
- 2.The General Manager (Operations & Maintenance)
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem – 636 007.
- 3.The General Manager (Technical)
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road, Salem – 636 007.



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4. The Deputy General Manager (HR)
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road
Salem – 636 007.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Managing Director, Tamilnadu State Transport Corporation (Salem) Ltd., 12, Ramakrishna Road, Salem-636 007, the first respondent herein to consider and pass orders on the representation of the petitioner dated 10.03.2016 as per the settlement entered between the employees of the respondent Corporation employees and the respondent on 13.04.2015 with regard to the promotion of technical employees and grant promotion to the members of the petitioner union as Foreman and General Foreman as per seniority.

For Petitioner : Ms.Ilayarani Ponraj
For Mr.Chitti Babu

For Respondents : Mr.R.Babu

ORDER

The relief sought for in the present writ petition is to direct the Managing Director of the Transport Corporation / 1st respondent to consider the representation submitted by the writ petitioner on 10.03.2016 and pass orders. The representation submitted by the writ petitioner / Union dated



10.03.2016 reveals that the Union is claiming certain benefits and seeking implementation of the 12(3) Settlement entered into between the Management and the Union.

2. The writ petitioner is Salem Tamil Nadu State Transport Corporation Technical Employees and Employees apolitical Trade Union.

3. The members of the petitioner Union are Workmen and their service conditions are governed under 12(3) Settlement of the Industrial Disputes Act. Thus, the grievances are to be redressed by approaching the Competent Labour Court at the first instance. No writ is entertainable for enforcing the settlement under Section 12(3) of the Industrial Disputes Act.

4. The petitioner has to exhaust the Statutory remedy contemplated under the Industrial Disputes Act, 1947. In the present case, the Union is the petitioner and their representation pertains to service conditions agreed between the parties under Section 12(3) of the Industrial Disputes Act. The petitioner is at liberty to approach the competent authority / Forum for the purpose of redressal of their grievances in the manner known to law.



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5. With this liberty, the Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Speaking order

To

1.The Managing Director

Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem – 636 007.

2.The General Manager (Operations & Maintenance)

Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem – 636 007.

3.The General Manager (Technical)

Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road, Salem – 636 007.

4.The Deputy General Manager (HR)

Tamil Nadu State Transport Corporation
(Salem) Ltd., 12, Ramakrishna Road
Salem – 636 007.



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S.M.SUBRAMANIAM, J.

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