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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO. 3497 OF 2014

AND

M.P.NOS.1 & 2 OF 2014

R.Srinivasan

... Petitioner

Vs

1. The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Ltd.,
Villupuram District.
2. The Branch Manager,
Villupuram Branch-II,
Tamil Nadu State Transport Corporation,
Villupuram Ltd.,
Villupuram District.

...Respondents

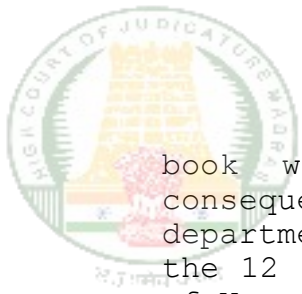
PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Declaration, declaring the act of the respondent by preventing the petitioner to attend the work and insisting the petitioner to pay the value of lost ticket book worth of Rs.22,500/- as illegal and ultravires and consequently direct the respondent not to initiating any departmental proceedings as against the petitioner in contra to the 12 (3) settlement and also against the provisions of payment of wages Act.

For Petitioner	: Mr.R.Y.George Williams
For Respondents	: Mr.M.Bindran
	Additional Govt. Pleader
	[For R1 and R2]

O R D E R

The Writ on hand has been instituted to declare the act of the respondent by preventing the petitioner to attend the work and insisting the petitioner to pay the value of lost ticket



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book worth of Rs.22,500/- as illegal and ultravires and consequently direct the respondent not to initiate any departmental proceedings as against the petitioner in contra to the 12 (3) settlement and also against the provisions of Payment of Wages Act.

2. The petitioner was appointed as Conductor in the respondent Transport Corporation. While he was on duty on 26.10.2013, the petitioner found that the ticket books kept in front of the Conductor seat were missing. The petitioner could not able to trace out the same. Thus, he informed the same to the Branch Manager. After completing the duty, the petitioner informed the Police by lodging a complaint on 27.10.2013 and Police issued C.S.R.No.622 of 2013.

3. The grievances of the writ petitioner is that he was not allowed to attend the duty despite the fact that he is ready to join duty. He made a representation. The petitioner relies on the terms and conditions of the 12 (3) Settlement entered into between the Management and the Workers Union. Further, he raised a ground that as per the conditions in 12(3) Settlement the action taken by the respondents are invalid.

4. The petitioner is a workmen and his service conditions are governed under 12(3) Settlement entered into between the Management and the Workers Union under the provisions of the Industrial Disputes Act. When an efficacious remedy is contemplated under the Industrial dispute Act, the petitioner has to accept the same more specifically by approaching the Labour Court for adjudication of the disputed facts. The High Court cannot adjudicate such disputed facts with reference to the documents and evidences and more so, in the present case, the allegation is about the missing of tickets, while the petitioner was on duty in a running bus. Thus, examination of evidences are of paramount importance and such an elaborate adjudication cannot be done in High court in a writ proceedings under Article 226 of the Constitution of India. For effective adjudication of the issues, the petitioner has to approach the competent Labour Court for redressal of his grievances.

5. Further, in respect of the workmen governed by the settlement made under Section 12(3) of the Act, this Court has elaborately considered the principles, based on the decisions of the Honourable Supreme Court, in the case of P.Muthukrishnan v. Management of T.N.S.T.C.(Madurai) Ltd., reported in 2019-IV-LLJ-152 (Mad), wherein maintainability of petitions have also been considered and the similar view has been reiterated by the Honourable Division Bench of this Court in the Judgment dated 30.07.2021 in W.A.(MD) No.1045 of 2021.



6. In view of the facts and circumstances, the petitioner is at liberty to approach the competent Labour Court for adjudication of the issues and to resolve the same. In the event of any such approach by the petitioner, the period during which the writ petition was pending before this Court is to be taken into consideration for condoning the delay and the issues are to be adjudicated on merits and in accordance with law as expeditiously as possible.

7. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ars/nti

To

1. The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Ltd.,
Villupuram District.
2. The Branch Manager,
Villupuram Branch-II,
Tamil Nadu State Transport Corporation,
Villupuram Ltd.,
Villupuram District.

+1cc to Mr.R.Y.George Williams, Advocate, S.R.No.32501

W.P.No.3497 of 2014

BR(CO)
PM/16/06/2022