



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17918 of 2014

and

M.P.No.1 of 2014

K.Kothandan

... Petitioner

Vs.

1.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai - 600 009.

2.The Managing Director,
Transport Corporation (Chennai) Limited,
Pallavan House,
Anna Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus by directing the respondents 1 and 2 to strictly follow the standing order bearing No.S2/23450/95 dated 05.09.1995 as certified by the Commissioner of Labour, Madras relating to service conditions of Employees of all the existing Transport Corporations in the State of Tamil Nadu.

For Petitioner : Mr.S.Udaya Kumar
For R1 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader.
For R2 : Mr.C.Gauthama Raj,
Standing Counsel.

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to strictly follow the standing order bearing No.S2/23450/95 dated 05.09.1995 as certified by the Commissioner of Labour, Madras relating to service conditions of employees of all the existing Transport Corporation .



2. The relief sought for is omnibus in nature. The petitioner, admittedly, was working as a conductor in Metropolitan Transport Corporation Chennai Limited. He has reached the age of superannuation during the year 2016 itself. The grievance of the writ petitioner is that the standing order of the year 1995, which is in force has not been duly implemented by the Corporation across the State of Tamil Nadu. However, the petitioner cannot seek such a general prayer without establishing his grievance or right for a particular relief.

3. The petitioner was working as a conductor and now a retired conductor. If at all any grievance exist with reference to the provisions of the standing order or otherwise, he has to approach the Competent Labour Court for redressal of his grievance by following the procedures as contemplated. Contrarily, the petitioner as an employee cannot seek a general direction to implement the standing order as a whole to all these Transport Corporation and such a writ petition cannot be entertained by this Court.

4. Even in such circumstances, the person, who is approaching the Court has to establish a definite cause or grievance and also the infringement of the right or otherwise. In the absence of any one of these grounds no writs needs to be entertained and therefore, the petitioner is at liberty to approach the competent forum, if any grievance exist to him with reference to the standing order or otherwise.

5. Accordingly, this writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

Ab/Jeni

To

1.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai - 600 009.



2.The Managing Director,
Transport Corporation (Chennai) Limited,
Pallavan House,
Anna Salai,
Chennai - 600 002.

WEB COPY

+1cc to Mr.S.Udaya Kumar, Advocate SR.No.36284

+1cc to Government Pleader SR.No.36907

W.P.No.17918 of 2014
and
MP No.1 of 2014

PMK (CO)
GMY (29/06/2022)