



WEB COPY



W.P.No.28874 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28874 of 2018
and
W.M.P.No.33729 of 2018

1.M.Sivakumar
2.S.Loganathan
3.P.Paranthaman
4.A.Suresh

...Petitioners

Vs.

1.The Managing Director,
The Tamilnadu State Transport
Corporation (Villupuram-II) Ltd.,
Vellore Region,
Salamdu, Vazhutharedi,
Vizhupuram – 605 602.

2.General Manager,
The Tamilnadu State Transport
Corporation (Villupuram-D-II) Ltd.,
Vellore Region,
Rangapuram, Vellore – 632 009.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the act of respondent extracting work contrary to Section 13 of Motor Transport Workers Act, 1961 as illegal and consequently to direct the respondent not to change service



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condition of the petitioners without issuing notice under Section 9A of I.D.Act and pass any other order of this Hon'ble Court.

(Prayer amended as per Court order dated 01.11.2018 in W.M.P.No.34027 of 2018 in W.P.No.28874 of 2018)

For Petitioners : Mr.S.T.Varadarajulu

For Respondents : Mr.M.Aswin

ORDER

The relief initially sought for in the present writ petition is to direct the 2nd respondent to restore the operation of service in Route No.186 running between Vellore and Nagapattinam as operated prior to 21.09.2018 became irrelevant since the grievances of the writ petitioner were redressed.

2. The petitioner amended the prayer for a declaration to declare the act of respondents extracting work contrary to Section 13 of Motor Transport Workers Act, 1961 as illegal and consequently to direct the respondent not to change service condition of the petitioners without issuing notice under Section 9A of I.D.Act and pass any other order of this Hon'ble Court.

3. Regarding restoration of operation, it is for the respondent



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Corporation to take a decision and the High Court cannot issue any direction to that effect. It is a policy decision to be taken in the interest of public by the competent authorities.

4. Thus, the relief to such an extent cannot be granted. However, if the service conditions of the petitioners under the Settlement are violated, then they are at liberty to initiate appropriate action in the manner known to law.

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

31.10.2022

Index : Yes
Speaking order: Yes
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To

1. The Managing Director,
The Tamilnadu State Transport

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S.M.SUBRAMANIAM, J.

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