

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.09.2022**

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.A.(MD)No.1189 of 2011
and
M.P.(MD)No.2 of 2011

Cholan Pokkuvarathu Kazhaga Oozhiyargal Sangam,
Rep. by its General Secretary,
30, Railway Pudu Road,
Kumbakonam.

... Appellant/Petitioner

/Vs./

1.The Management of Tamilnadu State
Transport Corporation (Kumbakonam) Ltd.,
Rep.By its Managing Director,
Kumbakonam.

2. The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent, praying this Court to set aside the order of this Court dated 22.10.2010, in W.P.MD)No. 6829 of 2009 and to allow the writ petition as prayed for.

For Appellant : Mr.S.Arunachalam
For Respondents : Mr.K.Mahendran (R2)
No appearance (R1)

JUDGMENT

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

This Writ Appeal was filed against the order passed by the learned Single Judge disposing of the writ petition filed by the Union by recording the proceedings of the respondents dated 18.09.2010.

2.The appellant Union filed the writ petition for issuance of Writ of Mandamus directing the respondents to pay the wages as per the Settlement under Section 12 (3) of the Industrial Disputes Act, 1947, dated 13.09.1992.

3.When the writ petition was taken up for hearing, the learned counsel appearing on behalf of the State Transport Corporation produced the proceedings dated 18.09.2010, wherein the wages were fixed at the rate

of Rs.230 / Rs.229. According to the learned counsel appearing for the appellant Union, as per the settlement, the wages ought to have been fixed at the rate of Rs.271 / Rs.270. Hence, the learned counsel appearing for the appellant union submitted that the learned Single Judge was not right in disposing of the writ petition by recording the proceedings dated 18.09.2010.

4.Heard Mr.S.Arunachalam, learned counsel appearing for the appellant and Mr.K.Mahendran, learned counsel appearing for the second respondent.

5.In the considered view of this Court, the grievance that is ventilated by the Union pertains to the wages that was fixed under 12 (3) settlement, when the workmen were on temporary basis.

6.By now, the workmen would have been made permanent. Therefore, the dispute will pertain only to the period when they were working as temporary workers and whether the rate of wages as claimed by them should be fixed at Rs.271/Rs.270 as per the settlement.

7.In the considered view of this Court, the issue that has been raised by the appellant Union need not be gone into in this appeal. Liberty is granted to the concerned workers to agitate their grievance by filing an appropriate petition under Section 33-C (2) of the Industrial Disputes Act, 1947. Concerned Labour Court shall deal with the same, in the light of 12(3) settlement. It is also made clear that the respondent Corporation shall strictly adhere to the terms of 12(3) settlement, whenever the wages are fixed for temporary workmen.

8.This Writ Appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.,J.) (N.A.V.,J.)
21.09.2022

Index : Yes/No
Internet : Yes
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To:

- 1.The Managing Director,
The Management of Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

WA(MD)No.1189 of 2011

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

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Judgment made in
W.A.(MD)No.1189 of 2011

Dated
21.09.2022