



W.P.(MD)Nos.2744 & 6094 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15/12/2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.2744 of 2020

and

W.M.P(MD)No.2336 of 2020

and

W.P(MD)No.6094 of 2020

and

W.M.P(MD)Nos.5281, 5282 and 5284 of 2020

W.P(MD)No.2744 of 2020:

S.Veeranan

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation,
(Madurai) Ltd., through its Managing Director,
Bye Pass Road, Madurai – 10.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Bye Pass Road,
Madurai.

... Respondents



W.P.(MD)Nos.2744 & 6094 of 2020

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to give duty postings to him on rotation based on seniority only.

W.P(MD)No.6094 of 2020:

B.Jeevan Moorthy

... Petitioner

VS.

1.Tamil Nadu State Transport Corporation,
(Madurai) Ltd., through its Managing Director,
Bye Pass Road, Madurai – 10.

2.The General Manager,
Tamil Nadu State Transport Corporation(Madurai) Ltd.,
Madurai Region, Bye Pass Road,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned batch list including the list of vehicles allotted for a union issued by the second respondent published in the notice board on 19.03.2020 and quash the same as illegal and arbitrary and consequently directing the second respondent to revise the batch list in terms of the employees seniority and vehicles seniority list maintained by the second respondent.



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For Petitioner : Mr.G.M.Xavier
For Respondents : Mr.J.Senthilkumaraiah,
Standing Counsel

COMMON ORDER

Since the issue arises in the writ petitions is one and the same, the writ petitions are disposed of by way of this common order.

2. The petitioner in W.P(MD)No.6094 of 2020 is the Union in which the petitioner in W.P(MD)No.2744 of 2020 is a member. The grievance of the petitioner as well as the petitioner Union is that the second respondent has not implemented the settlement, dated 06.02.2008, arrived at under Section 12(3) of the Industrial Disputes Act, 1947. According to the petitioners, the Drivers and Conductors have to be posted for duty on rotation basis on the basis of seniority. However, at their whims and fancies, the respondents allotted duty only in respect of specific Unions. Aggrieved by the same, the Transport Employees' Union filed a writ petition in W.P.No.6947 of 2011, seeking for a direction to implement Clause 32 of the Settlement, dated



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06.02.2008. This Court vide order, dated 20.06.2011, issued a direction not to allot any specific route to any of the office bearers or any of the trade unions as stated by them in their communication, dated 30.04.2010 and strictly act in accordance with the settlement entered into with the respective trade unions on 06.02.2008. However, the same was not properly implemented. Hence, the members of the petitioner Union made a representation to the respondents on 03.03.2020, requesting to strictly follow the procedure as per the settlement, dated 06.02.2008 and the circular issued by the first respondent, dated 27.02.2008. But, till date no order was passed. Therefore, the present writ petitions have been filed with the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioner, the learned standing counsel appearing for the respondents and perused the materials produced before this Court.

4. The grievance of the petitioner union in W.P(MD)No.6094 of 2020, is contrary to the order passed by this Court



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and the same is not sustainable one. However, if at all any portion of the order passed by this Court is violated, remedy available to the petitioner is to file a contempt petition before this Court. However, without filing proper petition, filing of this writ petition is not sustainable one.

5. However, considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to follow the procedure contemplated as per the settlement, dated 06.02.2008 and the circular dated 27.02.2008, in a letter and spirit.

6. With the above direction, these writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

15.12.2022

pm

Index: Yes/No



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M.DHANDAPANI,J.

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