



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.11835 of 2021

and

WMP (MD) Nos.9294 and 9295 of 2021

R.Sivakumar

... Petitioner

-Vs-

1.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.

2.The Senior Deputy Manager (H&R),
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Maruthupathi, Karaikudi Region,
Sivagangai District.

4.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Pudukottai Region,
Pudukottai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records in the impugned order made in TNSTC/KUM/HRII/143/2021 dated 28.06.2021 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.D.Sivaraman



O R D E R

The order of transfer of a Conductor in Transport Corporation is under challenge in the present Writ Petition.

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2. Service conditions of the Conductor is governed under Section 12(3) of the Industrial Disputes Act, An efficacious remedy is available for a workmen under the Industrial Disputes Act. Thus, the petitioner has to approach the competent Labour Court for adjudication of the issues. Furthermore, transfer being an incidental to service, High Court cannot interfere. If at all the service conditions relating to transfers are governed under the settlement, then the petitioner has to redress his grievances by approaching the competent Labour Court by way of an adjudication. The principles in this regard are settled by this Court in the case of ***P.Muthukrishanan and Others vs. Management of Tamil Nadu State Transport Corporation (Madurai) Ltd. [W.P(MD).Nos.10416 of 2009 & 2926 of 2010, dated 25.07.2019]***. The principles laid down are affirmed by the Hon'ble Division Bench of this Court. This being the factum, the petitioner is at liberty to approach the competent Labour Court for the purpose of adjudication of issues in the manner known to law. In the event of any such approach, the Labour Court shall consider the period during which the writ petition was pending before this Court for the purpose of condoning the delay, if any, and adjudicate the issue on merits and in accordance with law.

3. The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

1.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam)Limited,
Kumbakonam,
Thanjavur District.



2.The Senior Deputy Manager (H&R),
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam,
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Sivagangai District.

4.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Pudukottai Region,
Pudukottai.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-14049[F] dated 24/03/2022)

W.P. (MD) No.11835 of 2021
23.03.2022

kg (CO)
TR (01.04.2022) 3P 6C