



WEB COPY



W.P.No.38 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.38 of 2023

and

W.M.P.Nos.26 & 28 of 2023

Tamil Nadu Arasu Transport Corporation,
Anna Thozhilalar Sangam in
Villupuram Division – I,
Rep. by its Regional Secretary,
P.Natarajan, M/63, S/o Palanisamy,
Middle Street, Somandarkudi & Post,
Sankarapuram Taluk,
Kallakurichi District.

..... Petitioner

-Versus-

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram, Villupuram District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings in Ka.No.0911/R2Pi.Sae/TNSTC(Villu)2022, dated 16.11.2022 and to quash the same and consequently direct the respondent to disburse the balance amount of Rs.20,00,000/- (Rupees Twenty Lakhs only) together with interest from the period of 2017 till date of disbursement of the balance amount to the petitioner.



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For Petitioner : Mr.C.Prakasam

*For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel for
respondent*

ORDER

This writ petition has been filed challenging the order in Ka.No.0911/R2Pi.Sae/TNSTC(Villu)2022, dated 16.11.2022 passed by the 1st respondent and for a consequential direction to him to disburse the balance amount of Rs.20,00,000/- (Rupees Twenty Lakhs only) together with interest from the period of 2017 till date of disbursement of the balance amount to the petitioner.

2. It is the case of the petitioner that pursuant to the request made by the respondent management, the petitioner sangam had disbursed Diwali Advance Amount to various workmen on the undertaking given by the management that it would be deducted from the salaries of the employees concerned. Pursuant to such undertaking, the respondent had started deducting the amount from the salaries of the workmen concerned to the tune of Rs.19,70,000/- and a balance of Rs.22,30,000/- was due to be deducted from the salaries of the workmen concerned. When that be so, based on certain objections raised by some of the workmen, the respondent management did not continue to deduct from the



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salaries. Hence, this writ petition.

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3. In the counter affidavit filed by the respondent, inter alia, it is contended that as there were objections from some of the workmen, the respondent management discontinued the arrangement.

4. Heard both sides.

5. At the out set, this court is of the view that when the disbursement of diwali advance by the union itself was without any sanction of law, the writ petition cannot be entertained. The writ petition is bereft of particulars as to the nature of amounts disbursed to the workmen concerned and the particulars of recovery so far made by the respondent management. Merely because amounts had been recovered to some extent by way of deduction from the salaries acting upon the undertaking said to have been given by the respondent management until objection was made by some of the workmen, this court cannot give sanction to such an illegal arrangement entered into between petitioner sangam and the respondent management. Even assuming such an agreement was entered into between them and the respondent management had failed to fulfil the conditions of the agreement, it would only give rise to civil liability and the petitioner can approach the civil court for appropriate remedy. In such view of the matter, writ petition is not maintainable and the same deserves only to be



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dismissed.

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In the result, the writ petition is dismissed. It is needless to say that it is always open to the petitioner to recover the dues, if any, from the workmen concerned by taking appropriate action before the civil court in the manner known to law. No costs. Consequently connected MPs are closed.

20..07..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

1.The Managing Director, Tamil Nadu State Transport Corporation,
Villupuram, Villupuram District.



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N.SATHISH KUMAR.J.,

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