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*W.P.Nos.30386 & 31678 of 2012 & 2682 of 2013
and Cont.P.No.557 of 2013*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.30386 & 31678 of 2012 & W.P.No.2682 of 2013
and Cont.P.No.557 of 2013

M.P.Nos.1 & 2 of 2012 and M.P.No.1 of 2013
and Sub Application Nos.118 & 119 of 2013

W.P.No.30386 of 2012

Nethaji Pokkuvarathu Thozhilalargal
Pathukappu Thozhir Sangam,
Rep. by its Managara Pokuvarathu Kalaga
President V.Thalapathy,
No.18, Kollam Thottam,
Madhavaram High Ways Road,
Perambur,
Chennai District -600 011.

...Petitioner

-Vs-

1. The Commissioner,
Labour Welfare Department,
D.M.S.Campus,
Thenampet,
Chennai – 600 017.
2. The Principle Secretary
to Government,
Transport Department,
Secretariat, Chennai – 600 009.



W.P.Nos.30386 & 31678 of 2012 & 2682 of 2013
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3. The Transport Commissioner, R.T.O.,
Transport Department,
Managing Director,
Yelizhgam, Cheppakkam,
Chennai – 600 005.

4. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamum, directing the respondents not to deduct any amount from the annual bonus payable to the employees on the eve of Deepavali festival on 13th November 2012, without the written consent of the respective employee within a time frame.

For Petitioner : Mr.R.Y.George Williams

For Respondents

For R1 to R3 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

For R4 : Mr.C.Gowthamaraj
Standing Counsel

W.P.No.31678 of 2012

Nethaji Pokkuvarathu Thozhilalargal
Pathukappu Thozhil Sangam,
Rep. by its President M.Anburaj
No.94, Karuppurayan Koil Street,
Puliyankulam,
Coimbatore District.

...Petitioner

-Vs-



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1. The Secretary to Government,
Transport Department,
Secretariat,
Chennai – 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Coimbatore Division, I, II,
37, Mettupalayam Road,
Coimbatore.
3. The Managing Director,
State Express Transport Corporation,
Pallavan Salai,
Chennai – 600 002.
4. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai – 600 002.
5. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Divisions I, II & III,
Villupuram.
6. The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Division,
Salem.
7. The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Kumbakonam.



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8. The Managing Director,
Tamil Nadu State Transport Corporation,
Thiruvellveli Divisions I, II,

9. The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division I, II,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring the written letter which were obtained from the employees forcibly and coercively as null and void, since the same were not obtained with free consent and consequently direct the respondent to refund the deducted amount to the respective employees concerned.

For Petitioner	: Mr.R.Y.George Williams
For Respondents	
For R1	: Mr.L.S.M.Hasan Fizal Additional Government Pleader
For R2	: Mr.A.Sundaravadanan Standing Counsel
For R3 & R4	: Mr.C.Gowthamaraj Standing Counsel
For R5 & R9	: Mr.M.Aswin Standing Counsel
For R6 & R8	: Mr.R.Babu Standing Counsel
For R7	: Mr.Sathya Gandhi Standing Counsel



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W.P.No.2682 of 2013

K.Anbazzhagan
Conductor C-50910,
Vadapalani Depot,
Chennai – 600 026.

...Petitioner

-Vs-

1. The General Manager,
Tamil Nadu Government
Metropolitan Transport Corporation,
Chennai – 600 002.

2. A.Dhakshnamurthy,
Conductor C-12067,
Metropolitan Transport Corporation,
Anna Thozhilalar Sangam,
Vadapalani Depot,
Chennai – 600 026.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamum, directing the first respondent to consider and dispose the petitioner representation dated 18.12.2012 to refund the deducted amounts of Rs.500+360/- totally a sum Rs.860/- which were deducted in his salary of February 2012 and bonus of 2012 without his consent and his knowledge and also furnish the copy of the consent letter given by the second respondent for the petitioner to recover the such amount, within a time frame.

For Petitioner : Mr.R.Y.George Williams
For Respondents : Mr.C.Gowthamaraj
Standing Counsel



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Cont.P.No.557 of 2023

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Nethaji Pokkuvarathu Thozhilalargal
Pathukappu Thozhir Sangam,
Rep. by its Managara Pokuvarathu Kalaga
President V.Thalapathy,
No.18, Kollam Thottam,
Madhavaram High Ways Road,
Perambur,
Chennai District -600 011.

... Petitioner

Vs.

Rajendiran
The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai – 600 002.

... Respondent

Prayer:- Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent for his act of wilful disobedience of the order passed by this Court in M.P.Nos.1 & 2 of 2012 in W.P.No.30386 of 2012 dated 09.11.2012, under Section 11 of the Contempt of Court Act.

For Petitioner : Mr.R.Y.George Williams

For Respondent : Mr.C.Gowthamaraj
Standing Counsel

COMMON ORDER

The Writ Petitions in W.P.No.30386 of 2012 & W.P. No.2682 of 2013 have been filed to direct the respondents not to deduct any amount from annual bonus and to refund the already deducted



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amount to the employees, respectively. The writ petition in W.P. No.31678 of 2012 has been filed to declare the written consent letter which were obtained from the employees as null and void, since the same were obtained under force and coercion.

2. This Court while admitting the writ petition in W.P.No.30386 of 2012, by an order dated 09.11.2012, granted an interim stay in M.P.Nos.1 & 2 of 2012 in W.P.No.30386 of 2012, thereby directed the respondents not to deduct any amount. However, the respondent deducted the amount without knowledge and consent of the particular employee. Therefore, the petitioner/Sangam filed the present contempt petition in Cont.P. No.557 of 2013.

3. Without expressing any opinion on the merits of all these petitions, the petitioner/Sangam is directed to submit fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the same, the respondents are directed to consider the same and pass orders on merits and in accordance with law, within a period of twelve weeks thereafter.



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4. With the above directions, all the Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

5. In view of the order passed in the writ petitions, the contempt petition is closed. Consequently, connected sub application is also closed.

09.08.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

rts

To

1. The Commissioner,
Labour Welfare Department,
D.M.S.Campus,
Thenampet,
Chennai – 600 017.
2. The Principle Secretary
to Government,
Transport Department,
Secretariat, Chennai – 600 009.



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G.K.ILANTHIRAIYAN. J.

rts

10. The Managing Director,
Tamil Nadu State Transport Corporation,
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11. The Managing Director,
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