



WEB COPY



W.P. No. 10162 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 10162 of 2023

S. Jeyapathi

... Petitioner

-VS-

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division,
No. 37, Mettupalayam Road,
Coimbatore District – 641 043.

2. Rajendiran

3. Ramakrishnan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider and dispose the Petitioner's representation dated 24.02.2023 to take steps to provide full attendance for the dates that is on 22.12.2022, 29.12.2022, 28.01.2023, 16.02.2023 the days on which the Petitioner had appeared for Enquiry proceedings and also to take necessary action against the Second and Third Respondents for non-implementation and adherence of 12(3) settlement which was arrived between the management and the trade unions for the welfare of the Transport Workers.



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For Petitioner : Mr. R.Y.George Williams

For Respondents : Mr. A.Vinothraj,
Standing Counsel

ORDER

Heard Mr. R.Y.George Williams, Learned Counsel for the Petitioner and Mr. A.Vinothraj, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 24.02.2023 to the First Respondent to take steps for taking steps to provide full attendance on 22.12.2022, 29.12.2022, 28.01.2023, 16.02.2023, when the Petitioner had appeared for enquiry proceedings, and to take necessary action against the Second and Third Respondents for non-implementation and adherence of settlement under Section 12(3) of the Industrial Disputes Act, 1947, which was arrived between the management and the trade unions for the welfare of the Transport Workers, but as it did not evoke any response, he has filed this Writ Petition.



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3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 24.02.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment; and
- (v) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



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In the result, the Writ Petition is disposed on the aforesaid terms.
No costs.

21.04.2023

sgl

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 05.06.2023.

To

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division,
No. 37, Mettupalayam Road,
Coimbatore District – 641 043.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

sgl

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