



W.P. No.26700 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. No.26700 of 2018
and W.M.P. No. 31071 of 2018**

- 1 TAMIL NADU STATE TRANSPORT CORPORATION
TECHNICAL EMPLOYEES PROGRESSIVE
FEDERATION (TEPF)
Tamil Nadu State Transport Corporation Ltd.,
Rep. by its General Secretary
S. Ravikumar,
having registered Office at
No.150, Bank Nagar, Puduvasur,
Vellore District – 632 009.
- 2 KUMARI DISTRICT TECHNICAL EMPLOYEES
TRADE UNION
TAMIL NADU STATE TRANSPORT CORPORATION
Tamil Nadu State Transport Corporation Ltd.,
Rep by its General Secretary
A. Boothalingam,
Having registered office at
No.12/5A, Kathiravan Illam,
Pillayar Koil Street,
Vadakkoor, Thoivalai & Post,
Kanyakumari District – 629 302.
- 3 TAMIL NADU STATE TRANSPORT CORPORATION
MADURAI DIVISION TECHNICAL
EMPLOYEES TRADE UNION
Tamil Nadu State Transport Corporation Ltd.,
Rep by its General Secretary,
A. Murugesan



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Having registered office at
M2(N) 202/TNHB Colony Sector -6,
Koodalpudhur, Annaiyur,
Madurai - 17.

4 TAMIL NADU STATE TRANSPORT CORPORATION
TECHNICAL EMPLOYEES TRADE UNION
THIRUVANNAMALAI

Tamil Nadu State Transport Corporation Ltd.,
Rep. by its General Secretary
S. Kirubanandhan,
Having registered office at
No.1747, Santhosh Nagar,
ITI Pudur, Vengikkal,
Thiruvannamalai - 606 604.

5 DHARMAPURI TAMIL NADU STATE
TRANSPORT CORPORATION TECHNICAL
EMPLOYEES TRADE UNION

Tamil Nadu State Transport Corporation Ltd.,
Rep. by its General Secretary,
M. Annadurai,
Having registered office at
No.25A, D.C.Periyasamy Colony,
Pidamaneri Main Road,
Dharmapuri - 636701.

6 CUDDALORE DISTRICT TAMIL NADU STATE
TRANSPORT CORPORATION TECHNICAL
EMPLOYEES TRADE UNION

Tamil Nadu State Transport Corporation Ltd.,
Rep by its General Secretary
R. Muthusaravanan,
Having registered office at
No.453, Annguchetty Palayam,
Panruti Taluk, Cuddalore District.

7 SALEM TAMIL NADU STATE TRANSPORT
CORPORATION TECHNICAL EMPLOYEES AND



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LABOURS NON-POLITICAL TRADE UNION

Tamil Nadu State Transport Corporation Ltd.,

Rep. by its General Secretary,

K.Ramamoorthy,

Having registered office at

No.4, L.D.Township, Thathampatti (Po)

Salam - 14.

8 METRO POLITAN TRANSPORT CORPORATION
TECHNICAL EMPLOYEES WELFARE ASSOCIATION
CHENNAI

Tamil Nadu State Transport Corporation Ltd.,

Rep by its General Secretary

T. Sivakumar

Having registered office at

No.11/48, 11th Street, Anjugam Nagar,

Kolathur, Chennai - 600 099.

... Petitioners

-VS-

1 THE STATE OF TAMILNADU
REP BY ITS PRINCIPAL SECRETARY GOVERNMENT

Transport Department, Secretariat,

Fort St. George, Chennai – 9.

2 THE MANAGING DIRECTOR,
Metropolitan Transport Corporation,
pallavan Salai, Chennai - 2

3 THE MANAGING DIRECTOR,
State Express Transport Corporation,
Pallavan Salai, Chennai – 2.

4 THE MANAGING DIRECTOR,
Tamil Nadu State Transport Corporation,
(Madurai) Ltd, By-Pass Road, Madurai – 10.

5 THE MANAGING DIRECTOR,
Tamil Nadu State Transport Corporation,



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(Kovai) Ltd, Mettupalayam Road,
Coimbatore and district.

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- 6 THE MANAGING DIRECTOR,
Tamil Nadu State Transport Corporation
(Thirunelveli) Ltd, Kattapomman Nagar,
Tirunelveli.
- 7 THE MANAGING DIRECTOR,
Tamil Nadu State Transport Corporation
(Salem) Ltd, No.12 Ramakrishna Salai, Salem.
- 8 THE MANAGING DIRECTOR,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd, Salamedu, Villupuram.
- 9 THE MANAGING DIRECTOR,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd,
No.27, Railway Station New Road, Kumbakonam.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order made by the 1st respondent vide Ref No.Letter No.6556/C1/2014 dated 22.11.2017 and quash the same as illegal arbitrary contrary to law and direct the respondents to fix and pay the scale of pay to technical grade employees on par with their counterpart working with the government and under its corporation local authorities etx as per pay commissions recommendation by permitting to opt for the said pattern and forbear them from entering into any form of settlement under section 12 Industrial Dispute Act for and on behalf of technical grade employees working with respondents corporations.

For Petitioner

: Mr. A.Venkatesh Kumar

For R2

: Mr.M.S.Premkuar, GA R1
Mr.R.Balaji R2
Mr.Sivasubramanian R3



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Mr.Gowtham Rai R4
Mr.R.Babu RR6 & 7
Mr.A.Sundaravadhanam R5
Ms.S.Pavithra R8
Mr.S.Sathyagandhi R9

ORDER

The Writ Petition has been filed against the award dated 28.10.2015 passed by the first respondent in I.D. No. 135 of 2013.

2. It is the case of the petitioner that in the year 1972, there was nationalization of Transport Corporations in India. Whereby the government was given the monopoly. In pursuance thereof government owned transport corporations came to be framed. However, the conditions of services of transport employees were appalling. Their perks were not paid commensurate with their quality and hazardous nature of employment. Following the same, there were unrests of transport workers and strike. In resulted in a settlement under Section 12(3) of ID Act. The scale of pay and other perks of technical grade employees were fair and on par with employees working with the Government and statutory corporations, local bodies etc., From 1977 onwards, there were several settlements entered into under Section 12(3) of the ID Act. However, 2006 onwards, the cause and grievance of the technical grade employees were not given due consideration due to their insignificance in



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strength. Thereafter, the members of the petitioner federation submitted the representation seeking redressal and the same was not considered. Hence, the petitioner filed writ petition before this Court in W.P.no.4639 of 2014 seeking consideration of their grievance petition and the same was dismissed. Again the petitioner filed another W.P.no.23162/2015 and this Court vide order dated 28.08.2017 directing the respondents to consider the grievance of the petitioners, for which, the first respondent has passed the impugned order dated 22.11.2017. Aggrieved by the non redressal and gross infringement of their rights guaranteed under the constitution of India, the petitioners have filed the present writ petition to quash the impugned order.

3. The learned counsel for the petitioner submitted that this Court may permit the petitioners to make a appropriate representation to the State Government in term of Section 10 of the ID Act within the stipulated period as fixed by this Court. If such demand is raised, this Court may direct the Government to decide the issue within the time prescribed as directed by this Court.

4. The learned counsel for the respondent submitted that without interfering with the impugned order in the writ petition, this Court may grant



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liberty to the petitioner to work out their remedy in the manner known to law.

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5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the fair submission made by the learned counsel on either side, this Court, without interfering with the impugned award, direct the petitioners to work their remedy in the manner known to law.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

25.09.2023

Rli

Index: Yes/No

NCS : Yes/No

To

1 THE STATE OF TAMILNADU
REP BY ITS PRINCIPAL SECRETARY GOVERNMENT
Transport Department, Secretariat,
Fort St. George, Chennai – 9.



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M.DHANDAPANI,J.
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Metropolitan Transport Corporation,
pallavan Salai, Chennai - 2
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