



W.P(MD)No.21790 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.21790 of 2023

P.Maheswaran

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Madurai Division,
Bye Pass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Dindigul Region,
Bye Pass Road,
Dindigul.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bodi Branch,
Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to provide the petitioner with Uniforms, Stitching Allowance in compliance of Clause - 18 of the Settlement, dated 24.08.2022 under



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Section 12(3) of the Industrial Disputes Act, 1947 with effect from 01.09.2019 by considering his representation, dated 06.07.2022.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents herein to provide the petitioner with Uniforms, Stitching Allowance in compliance of Clause - 18 of the Settlement, dated 24.08.2022 under Section 12(3) of the Industrial Disputes Act, 1947 with effect from 01.09.2019 by considering his representation, dated 06.07.2022.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is working as a Driver in the respondent Corporation since 2007 and his service was regularized during May 2008 on completion of 240 days of continuous service. On 24.08.2022, a



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settlement was arrived between the Employee's Union and the Management that for a period of three years with effect from 01.09.2019, the employees would be provided with Uniforms and Stitching Allowances, considering the same as a basic right. Despite the petitioner being instructed to work for long hours, he was not provided with Uniforms, not paid with Stitching Allowances for nearly last ten years. During the year 2021, only one set of uniform was provided to the petitioner and other employees of the third respondent branch. However, the third respondent did not pay stitching allowances. The failure to implement the settlement arrived between the Trade Union and the Management is an unfair labour practice as defined under Section 2 (a) read with 13 of the Vth Schedule of the Industrial Disputes Act, 1947 and Section 25 (1) of the Industrial Disputes Act, 1947. No doubt it is a bounden duty of the respondent Corporation to provide the Uniform materials and also to pay the stitching charges to all the employees. Despite the petitioner having made a representation to the respondents on 06.07.2022, the same was not considered and is being kept pending endlessly.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of the case, this Court is of the considered view that this writ petition need to be allowed by directing the respondents to consider the representation, dated 06.07.2022 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

08.09.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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L.VICTORIA GOWRI, J.,

BTR

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