



WEB COPY



W.P. No.30743 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE MS. JUSTICE R. N. MANJULA

W.P. No.30743 of 2024

Labour Welfare Protection Trade Union,
Represented by its State President,
R.Balakrishnan,
Registration No.1465/SLM,
LWPTU Office,
No.11/257-A, Pon Nagar,
Mettur Dam-636 401.

...Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation Limited,
Represented by its Secretary,
Secretariat,
Fort St.George,
Chennai-09.

2.The Director of Administration,
Tamil Nadu State Transport Corporation (TNSTC)
State Express Transport Corporation (SETC),
Metropolitan Transport Corporation (MTC),
Chief Administrative Director,
Head Office, City Transport Corporation Limited,
Pallavan Salai,
Chennai-600 002.

3.The Principle Secretary/Labour Commissioner,
Teynampet,
Chennai-06.

... Respondents



W.P. No.30743 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus to call for the records relating to the order in Ka.No.37510/Nir(1)/Tho.U/TNSTC/2024 dated 27.02.2024 quash the same and direct the respondents to invite the petitioner's union for talks along with other trade unions for any settlement talks in future under the provision of Industrial Dispute Act.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.C.Gauthamaraj
for first respondent

Mrs.N.Jayanthi
Additional Government Pleader
for third respondent

ORDER

The writ petition has been filed challenging the order dated 27.02.2024 of the Senior Deputy Manager of the Metropolitan Transport Corporation, Chennai and consequential direction to the respondents to invite the petitioner's union for holding settlement talks on the demands made by the petitioner-trade union.

2. Even though the order dated 27.02.2024 is set to be the subject matter of challenge, the petitioner-union has not implemented the appropriate authority, who has passed the order, as party to the proceedings. However, the relief in respect of mandamus is seen to have been sought only against the



W.P. No.30743 of 2024

respondents 1 to 3. The petitioner-union claims itself as registered trade union comprising the majority workers of the Metropolitan Transport Corporation and stated that the earlier 12 (3) settlement in respect of 14th wage settlement has expired on 31.08.2023 and settlement talks in respect of the subsequent revision wage has to be done. The limited condition of the petition-union is that it should be called for by the concerned departments for holding negotiations.

3. It appears that on 17.05.2024, the second respondent has sent an intimation to the petitioner-trade union stating that sofaras the 15th wage Settlement is concerned, no settlement talks have been initiated and during that time, the petitioner-union will be called upon to participate in the settlement process. But the petitioner-union appears to have agreed due to the subsequent communication sent by the Deputy General Manager of the Metropolitan Transport Corporation, who is not the party to the proceedings. Since the second respondent is the authority who has given assurance that the petitioner-union will be called upon for holding talks when the settlement talks are initiated in respect of the 15th wage settlement, I think appropriate to issue direction against the second respondent to initiate some positive action in this regard and persuade the third respondent also to do needful for holding any



W.P. No.30743 of 2024

such talks. It is seen that the 14th wage settlement has expired on 31.08.2023 and now that it is time for holding settlement talks in respect of the subsequent revision. But it is upto to the petitioner-union to prove that it is the trade union which comprises the majority members of the Metropolitan Transport Corporation, in order to entitle it to participate in the settlement talks.

4. With the limited observations and with the limited direction against the second respondent, this writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.33352 of 2024 is closed.

19.10.2024

Index : Yes / No
Internet : Yes/ No
mrn



W.P. No.30743 of 2024

To

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State Express Transport Corporation (SETC),
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W.P. No.30743 of 2024

R. N. MANJULA, J.

(mrn)

W.P. No.30743 of 2024

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