



W.P.(MD)No.8033 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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1. S.Sivakumar
2. K.Kumaresan
3. A.Sathish
4. T.Saralkumar
5. S.Kumar Prasath
6. C.Natarajan
7. I.Kumarasamy
8. A.Muthuraja
9. S.Krishnapillai

... Petitioners

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
KTC Nagar, Thoothukudi Road,
Tirunelveli-627 011.

2. The General Manager,
Tamil Nadu State Transport Corporation Limited,



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Ranithottam, Nesamony Nagar,
Nagercoil-629 001,
Kanyakumari District.

3. The General Secretary,
Labour Progressive Federation (LPF),
Tamil Nadu State Transport Corporation Limited,
Ranithottam, Nesamony Nagar,
Nagercoil-629 001,
Kanyakumari.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to return the subscription amount for the year 2022-2023 and 2023-2024 which was illegally deducted from the petitioners' salary account by the 2nd respondent and subsequently direct the 2nd respondent not to deduct any yearly subscription amount in the name of Labour Progressive Federation (LPF) in future from the petitioners' salary within a time frame.

For Petitioners : Mr.A.Thirumoorthy

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

Heard Mr.A.Thirumoorthy, learned counsel appearing for the petitioners and Mr.K.Ramaiah, learned Standing Counsel for the



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WEB COPY respondents.

2. The petitioner has filed this Writ Petition seeking Writ of Mandamus to direct the 2nd respondent to return the subscription amount for the year 2022-2023 and 2023-2024 which was illegally deducted from the petitioners' salary account by the 2nd respondent and subsequently direct the 2nd respondent not to deduct any yearly subscription amount in the name of Labour Progressive Federation (LPF) in future from the petitioners' salary.

3. The petitioners are initially the members of Labour Progressive Federation (LPF) and they have been paying yearly subscription regularly which would be deducted from their salary by the second respondent. Thereafter the petitioners resigned from the said Federation and joined in Bharathiya Mazdoor Sangam (BMS) and also made request to the 2nd respondent to deduct the subscription amount in the name of Bharathiya Mazdoor Sangam (BMS). Though the petitioners are not the members of the Labour Progressive Federation (LPF), the



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subscription amount is being deducted from their salary by the second respondent in the name of Labour Progressive Federation (LPF). The petitioners also made several representations in this regard to the 2nd respondent. Despite the same, the 2nd respondent continuously deducted the subscription in the name of Labour Progressive Federation (LPF). Since the petitioners are no more members of the Labour Progressive Federation (LPF), the second respondent cannot deduct any subscription to be credited to the account of the Labour Progressive Federation (LPF).

4. In view of the above discussion, this Writ Petition is **allowed**.

The second respondent is directed to re-credit the amount deducted from the petitioners' salary for the year 2022-2023 and 2023-2024 to the account of the petitioners, within a period of three weeks from the date of receipt of a copy of this order and the 2nd respondent shall not make any such deductions so long as the petitioners do not opt to join with the Labour Progressive Federation (LPF). There shall be no orders as to costs.

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NCC: Yes/No

Index : Yes/No



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R.N.MANJULA, J.

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