



WP(MD) No.13156 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13156 of 2024

R.Baskaran

... Petitioner

Vs.

1.The Secretary

Department of Labour and Employment,
Government of Tamil Nadu,
Fort St. George,
Chennai -9.

2.The Commissioner of Labour,

Chennai -6.

3.The Chief Inspector/the Joint Commissioner of Labour,

(Motor Vehicle Workers Act),

Trichy.



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4.The Deputy Commissioner of Labour (Conciliation),
Tirchy.

5.The Assistant Commissioner of Labour (Enforcement),
Trichy.

6.The Deputy Inspector of Labour,
Pudukottai.

7.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam.

8.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Pudukottai Region,
Pudukottai.

9.The Branch Manager,
Pudukottai Muffussil Branch,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Pudukottai Region,
Pudukottai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 6 to initiate prosecution or give sanction to me to prosecute them under Section 31 of the Motor Vehicle Workers Act against the respondents 7 to 9 for having forced me to work beyond working hours as fixed under the provisions of the Motor Vehicle Workers Act and also in violation of the same and also having punished me for not obeyed their orders to work against the statutory working hours before the appropriate Criminal Court.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.S.Shanmugavel – for R1 to R6

Additional Government Pleader

Mr.K.Ramaiah – for R7 to R9

Standing Counsel

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents 1 to 6 to initiate prosecution or give sanction to the petitioner to prosecute them under Section



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31 of the Motor Vehicle Workers Act against the respondents 7 to 9 for having forced him to work beyond the working hours as fixed under the provisions of the Motor Vehicle Workers Act and also in violation of the same.

2. Heard Mr.S.Arunachalam, learned counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents 1 to 6 and Mr.K.Ramaiah learned Standing Counsel appearing for the respondents 7 to 9.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has given a complaint stating that the respondents 7 to 9 have engaged the services of the petitioner beyond the working hours and which is in violation of Section 13 of Motor Vehicles Act. The complaint given by the petitioner has been dealt by the Deputy Commissioner of Labour (Conciliation), Trichy.



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After enquiry, the petitioner and the representative from the Management, the fourth respondent has issued a proceeding dated 04.03.2022 to the petitioner to take appropriate action by filing a petition before the Deputy Commissioner of Labour, Trichy.

5. The learned counsel for the petitioner submitted that the petitioner has given application dated 24.08.2023 to the respondents 1 and 2. In fact the petitioner has been asked to give an application to the jurisdictional Inspector of Labour.

6. Earlier the petitioner was subjected to disciplinary action for having left the bus at lurch and he was also given with the punishment for disciplinary proceedings. In fact, the petitioner had given complaint to the statutory authorities on certain allegations for violating the mandatory work hours.

7. In fact, the second respondent has sent a memorandum, dated 09.02.2023 to the fifth respondent by offering



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his opinion. The petitioner without waiting to get an action completed goes on giving complaints/petitions seeking information from various authorities. In fact, vide proceedings dated 04.03.2022, the fourth respondent has been directed to initiate criminal action by getting sanction from the concerned Inspector of Labour.

8. In such case, the petitioner has to give application to the Inspector of Labour and get permission. The petitioner had not chosen to avail the remedy in the manner known to law and has filed this writ petition and hence, the writ petition itself is not maintainable.

9. Accordingly, the writ petition is **dismissed**. No costs.

21.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
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