



W.P.(MD)No.15343 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.15343 of 2024 &
W.M.P.(MD)Nos.13440 & 13441 of 2024

Varatharajan

... Petitioner

VS.

1.The Managing Director,
Tamil Nadu State Transport Corporation (TNSTC)
Madurai Region, By-pass Road, Madurai.

2.The Joint Labour Commissioner,
Race Course Road, Madurai

3.The General Manager,
Tamil Nadu State Transport Corporation (TNSTC)
Virudhunagar Division,
Virudhunagar & District.

4.The Assistant Labour Commissioner,
Collectorate Campus,
Virudhunagar,
Virudhunagar District.

5.The Branch Manager
Tamil Nadu State Transport Corporation (TNSTC),
Rajapalayam Branch - I,
Rajapalayam, Virudhunagar District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 5th Respondent's 2024 - Rotation Batch Work allotment chart dated 04.07.2024 and quash the same.

For Petitioner : Mr.R.Murugappan
For Respondents : Mr.S.C.Herold Singh
Standing Counsel for R1, R3 and R5
Mr.J.Ashok
Additional Government Pleader
for R2 and R4

ORDER

Heard Mr.R.Murugappan, learned counsel appearing for the petitioner, Mr.S.C.Herold Singh, learned Standing Counsel appearing for the respondents 1, 3 and 5 and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 2 and 4.

2. The petitioner who is working as a Driver in the third respondent Corporation with ID No.DR-31777, has filed this writ petition seeking to quash the 2024 - Rotation Batch Work allotment chart dated 04.07.2024 issued by the fifth respondent.

3. Mr.R.Murugappan, learned counsel appearing for the



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petitioner submitted that the fifth respondent has issued 2024 - Rotation Batch Work allotment chart for Drivers and Conductors contrary to the 12(3) Settlement dated 24.04.2018 [hereinafter referred to as 'Settlement']. It is his submission that as per the Settlement, Rotation Batch Work allotment chart should also contain the spare Drivers list. But, 2024 - Rotation Batch Work allotment chart has been issued in violation of the Settlement.

4. Mr.S.C.Herold Singh, learned Standing Counsel appearing for the respondents 1, 3 and 5 submitted that there is no violation in issuing 2024 - Rotation Batch Work allotment chart and it is fully in accordance with the Settlement entered into between the workers and the Management.

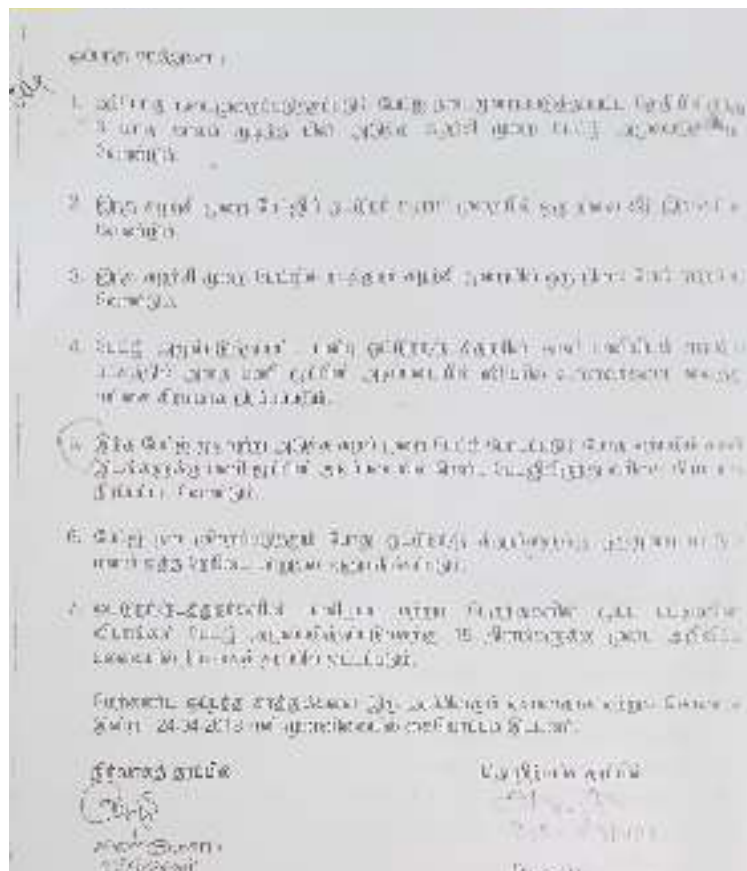
5. On perusal of the Settlement, it is seen that for every six months, Rotation Batch Work allotment chart will be prepared and work allotment will be given to the Drivers and Conductors in order to engage their services equally in all the stages and routes.



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6. But the claim of the petitioner is that the Settlement would contemplate that spare list also to be attached with the Rotation Batch Work allotment chart. For a better understanding, the terms of the Settlement are extracted hereunder.



7. So, there is no quarrel that the Rotation Batch Work allotment chart will be prepared for every six months. But, when the



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Batch Work allotment chart is prepared for the second half of the year, if any of the Driver happened to retire due to superannuation and if his name is seen in the Rotation Batch Work allotment chart for the first half of the year, then, spare list should be prepared by choosing the persons in accordance with seniority.

8. But, the contention of the petitioner is that the above term is only in order to give rest to the Drivers by allowing the spare Drivers to engage during their absence.

9. The terms of the Settlement does not contemplate such a convenience, but, it only states that for every year there shall be Rotation Batch Work allotment chart and in the subsequent Batch Work allotment, if any vacancy arose due to the retirement or otherwise, those places will be filled in by the spare list prepared in accordance with seniority. The petitioner without understanding the real purpose and sense of the terms has filed this writ petition stating that 2024 - Rotation Batch Work allotment chart has been issued without spare list and hence it is illegal.



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10. Only if the Rotation Batch Work allotment chart issued in the first half of the year has got any vacancy, then spare list needs to be prepared for the second half of the year. If all those persons who were present in the first list continues to be in service, then there is no need to prepare a spare list because such occasion will not arise even according to the terms of the Settlement. So, if at all any Driver or Conductor who is already placed in the Batch Work Allotment happen to take leave or otherwise, then they would be covered by usual Rules where arrangements are made from the reservation quota.

11. With the above observations, the writ petition is **disposed of**. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.07.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To
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- 1.The Joint Labour Commissioner,
Race Course Road, Madurai
- 2.The Assistant Labour Commissioner,
Collectorate Campus,
Virudhunagar,
Virudhunagar District.



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R.N.MANJULA, J.

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