



W.P.(MD).No.20630 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20630 of 2021

Kanyakumari Mavatta Bharathia
Arasu Pokuvarathu Thozhilalargal
Sangam,
Rep. by its President,
S.Girish,
S/o.Sukumaran Nair,
Chaithanyam,
Vivekanandar Street,
Ranithotam, Nagercoil,
Kanyakumari District.

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation Tirunelveli Ltd.,
Thoothukudi Road,
KTC Nagar,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport
Corporation Tirunelveli Ltd.,
Ranithottam,
Nagercoil-629 001,
Kanyakumari District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 26.07.2021 in the light of the order passed in W.P.(MD)No.10332 of 2011, dated 07.02.2014 on the file of this Court.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.A.Rajamohan,
Standing Counsel

ORDER

This writ petition has been filed seeking direction to the respondents to consider the petitioner's representation dated 26.07.2021 in the light of the order passed in W.P.(MD)No.10332 of 2011, dated 07.02.2014 on the file of this Court.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner is the Trade Union of the Employees of the respondent Corporation. Periodically settlements are entered into between the respondent



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Corporate Management and the workers union from time to time with respect to the various demands of the Union. Accordingly, during settlement under Section 12(3) of the Industrial Dispute Act which was arrived at with effect from 01.09.2007, under Clause 32 of the said settlement, the respondent Corporation agreed to allot duties to the driver and conductors on rotation basis. Since the same was not followed successfully, the respondent Corporation filed a writ petition in W.P.(MD)No.9647 of 2011 in this regard and this Court was pleased to pass an order to the 2nd respondent directing to strictly adhere to Clause 32 of the Section 12(3) settlement with respect to the allotment of duties to drivers and conductors on rotation basis. Yet another writ petition in W.P.No.10332 of 2011 came to be filed in this regard and favourable orders already passed in that writ petition as well, by an order dated 07.02.2014. Ever thereafter, the respondents have not come forward to strictly comply with the said Clause 32 of the Section 12(3) settlement. Hence, the petitioner made a representation on 26.01.2021. Since the same was not considered by the respondents, this writ petition came to be filed.



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3. The learned counsel appearing for the petitioner submitted that the petitioner's representation is kept in abeyance without consideration for the past two years and pressed for allowing the writ petition.

4. The respondent has filed a counter affidavit and the learned Standing Counsel appearing for the respondent Corporation submitted that the petitioner has neither stated any specific instance nor produced any materials to prove that they have not been allotted duty on rotation basis and that the allegations by the petitioner Union are baseless and pressed for dismissal of the writ petition, since the claim of the petitioner is devoid of merits.

5. In view of the limited scope of relief sought for by the petitioner herein, this Court direct the respondent Corporation to consider the petitioner's representation dated 26.07.2021 and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

03.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Managing Director,
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KTC Nagar,
Tirunelveli District.

2.The General Manager,
Tamil Nadu State Transport
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L.VICTORIA GOWRI, J.

Sml

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