



W.P.No.26566 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26566 of 2015

And

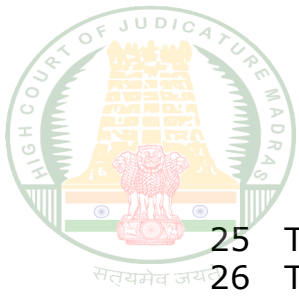
M.P.No.1 of 2015

The Branch Manager
Tamilnadu State Transport Corporation Ltd.
Puducherry.

... Petitioner

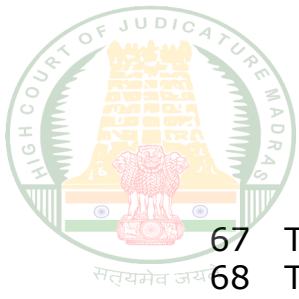
Vs.

- 1 Thiru. K.Muruganantham
- 2 Thiru. P.Panchanathan
- 3 Thiru. V.Manohar
- 4 Thiru. G.Kaliyamurthy
- 5 Thiru. A.Abdul Rahman
- 6 Thiru. R.Sankar
- 7 Thiru. V.Parthasarathy
- 8 Thiru. S.Murugan
- 9 Thiru. R.Durairaj
- 10 Thiru. K.Kumar
- 11 Thiru. P.Mohandoss
- 12 Thiru. M.Asaithambi
- 13 Thiru. E.Palani
- 14 Thiru. R.Manickam
- 15 Thiru. R.Rajendiran
- 16 Thiru. G.Johnbosco
- 17 Thiru. M.Nagaiyan
- 18 Thiru. K.Muthusamy Pillai
- 19 Thiru. V.Subramaniyan
- 20 Thiru. P.Balasubramanian
- 21 Thiru. E.Desingu
- 22 Thiru. K.Azhagar
- 23 Thiru. N.Kesavan
- 24 Thiru. V.Narayanamoorthy



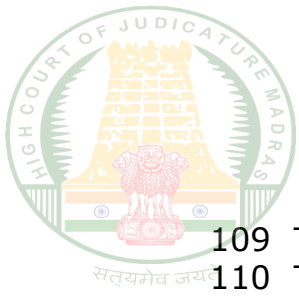
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- 25 Thiru. K.Vallikannu
26 Thiru. S.Jayachandran
27 Thiru. M.Iyyanar
28 Thiru. T.Davaseelan
29 Thiru. K.Rajendiran
30 Thiru. A.Babu
31 Thiru. G.Sampathkumar
32 Thiru. R.Murugan
33 Thiru. V.Venkatesan
34 Thiru. P.Elumalai
35 Thiru. NR.Venkatesan
36 Thiru. K.Sivamani
37 Thiru. S.Sathiyamurthy
38 Thiru. G.Baskaran
39 Thiru. S.Janarthanan
40 Thiru. C.Santhan
41 Thiru. S.Ramamurthy
42 Thiru. S.Lakshmipathi
43 Thiru. P.Balakrishnan
44 Thiru. M.Dhanaraj
45 Thiru. V.Chinnarajulu
46 Thiru. M.Raji
47 Thiru. K.Ganesan
48 Thiru. M.Sekar
49 Thiru. S.Karthikeyan
50 Thiru. B.Balakrishnan
51 Thiru. K.Iyyappan
52 Thiru. E.Gunasekaran
53 Thiru. V.Chandrasekar
54 Thiru. N.Seenuvasan
55 Thiru. M.Jagathrathjagan
56 Thiru. T.Selvam
57 Thiru. R.Ravindar
58 Thiru. A.Kaliyaperumal
59 Thiru. R.Hobi
60 Thiru. R.Kandan
61 Thiru. A.Samsudden
62 Thiru. R.Rajan
63 Thiru. T.Shajakhan
64 Thiru. S.L.Yogaraj
65 Thiru. K.Arulmani
66 Thiru. L.Ezhilmaran



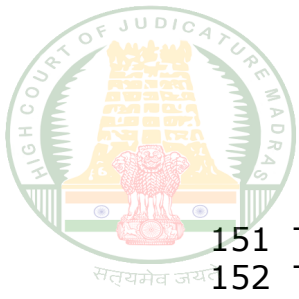
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- 67 Thiru. S.Balasubramaniyan
68 Thiru. G.Balasubramanian
69 Thiru. V.Muthu
70 Thiru. S.Elango
71 Thiru. P.Thiravidamani
72 Thiru. V.Malmurugan
73 Thiru. G.Krishnasamy
74 Thiru. A.Peter
75 Thiru. S.Syed Amadulla
76 Thiru. K.Elumalai
77 Thiru. P.Chakkaravarthy
78 Thiru. R.Ramachandramurthy
79 Thiru. S.Babu
80 Thiru. P.Sardhar
81 Thiru. V.Subramanian
82 Thiru. C.Rahu
83 Thiru. G.Devaraj
84 Thiru. V.M.Ramesh
85 Thiru. P.Kaliyaperumal
86 Thiru. K.Mathavan
87 Thiru. R.Venkatasubbu
88 Thiru. R.Muthurajan
89 Thiru. S.Babu
90 Thiru. V.Elumalai
91 Thiru. J.Pugazhendi
92 Thiru. S.Nandhakumar
93 Thiru. C.Jayasankar
94 Thiru. P.Raman
95 Thiru. A.Sekar
96 Thiru. A.Sivaprakasam
97 Thiru. R.Ravichandran
98 Thiru. S.Tamilarasan
99 Thiru. B.Venkatapathi
100 Thiru. A.Jayamathi
101 Thiru. S.Velayutham
102 Thiru. S.Viswanathan
103 Thiru. K.Ravichandran
104 Thiru. T.Vaithiyanathan
105 Thiru. R.Kothandaraman
106 Thiru. S.Mohan
107 Thiru. K.Dakshinamoorthy
108 Thiru. V.Rajendran



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- 109 Thiru. J.Janakiraman
- 110 Thiru. L.Selvakumar
- 111 Thiru. R.Mathiazhagan
- 112 Thiru. R.Selvam
- 113 Thiru. K.Jayachandran
- 114 Thiru. R.Murugan
- 115 Thiru. K.Nagarajan
- 116 Thiru. T.Seenuvasan
- 117 Thiru. R.Sampath
- 118 Thiru. R.Govindaraj
- 119 Thiru. H.Mohamed Jalal
- 120 Thiru. P.Elumalai
- 121 Thiru. P.Kuppusamy
- 122 Thiru. K.Seenuvasan
- 123 Thiru. S.Elango
- 124 Thiru. M.Rasu
- 125 Thiru. V.Rajendran
- 126 Thiru. J.Selvaganeshmurthy
- 127 Thiru. R.Thandavan
- 128 Thiru. B.Birla
- 129 Thiru. R.Jothi
- 130 Thiru. E.Tamilarasu
- 131 Thiru. N.Vadivel
- 132 Thiru. P.Rajaravi
- 133 Thiru. D.Sivakumar
- 134 Thiru. K.Azhvar
- 135 Thiru. C.Nedumanji
- 136 Thiru. P.Sundarbabu
- 137 Thiru. A.Sivakumar
- 138 Thiru. R.Elumalai
- 139 Thiru. S.Govindaraj
- 140 Thiru. R.Ramakrishnan
- 141 Thiru. K.Elumalai
- 142 Thiru. C.Durairaj
- 143 Thiru. P.Thirumurugan
- 144 Thiru. N.Mahalingam
- 145 Thiru. P.Pandiyan
- 146 Thiru. R.Ramalingam
- 147 Thiru. N.Balakrishnan
- 148 Thiru. V.Radhakrishnan
- 149 Thiru. P.Chakkaravarthy
- 150 Thiru. N.Kuppusamy



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- 151 Thiru. S.Iyyappan
152 Thiru. N.Manimaran
153 Thiru. S.Nagarajan
154 Thiru. A.Sathiyamoorthy
155 Thiru. S.Eganathan
156 Thiru. T.Iyyappan
157 Thiru. R.Edmand
158 Thiru. K.Murugan
159 Thiru. K.Chandrasekar
160 Thiru. D.Thiruvengadam
161 Thiru. P.Kothandapani
162 Thiru. E.Pichaiyanantham
163 Thiru. G.Arumugam
164 Thiru. P.Jayavel
165 Thiru. R.Sekar
166 Thiru. R.Mohanraj
167 Thiru. R.Manavalan
168 Thiru. D.Sekar

169 The Presiding Officer,
The Labour Court, Puducherry. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the order of the 169th Respondent in C.P.No.5 of 2011 dated 12.04.2014 and to quash the same as illegal and as against the provisions of the Industrial Disputes Act, 1947.

For Petitioner : Mr.M.Aswin

For Respondents : Mr.B.Manoharan
for R1, R2, R4 to R6, R8, R10 to R15, R17 to R19, R21, R22, R24 to R26, R29 to R34, R36, R37, R41, R43, R45, R46, R48 to R56, R58 to R60, R62 to R67, R69 to R71, R73, R74, R76 to R79, R81, R82, R84 to R92, R94 to R99, R101 to R104, R106 to R110, R112 to R120, R123, R124, R126, R128 to R130, R133 to R135, R137, R138, R141 to R143, R147,



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R150 to R151, R153 to R156, R158 to R162, R166 and R168

R3, R7, R9, R16, R23, R27, R28, R38 to R40, R42, R44, R47, R57, R68, R72, R75, R80, R83, R93, R100, R105, R111, R121, R122, R125, R127, R131, R132, R136, R139, R140, R144, R145, R148, R149, R152, R157, R163, R164, R165, R167 – No Appearance

R146 and R155 – Died (steps due)

R20, R35 and R61 – Not Ready Notice

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the order of the 169th respondent in C.P.No.5 of 2011 dated 12.04.2014 and to quash the same as illegal and as against the provisions of the Industrial Disputes Act, 1947.

2.The case of the petitioner is that the private respondents filed petition under Section 33 (C) (2) of the Industrial Disputes Act, 1948 in C.P.No.5 of 2011 claiming a sum of Rs.2,000/- each from January 2011 till April 2011 as City Compensatory Allowance and for continuous payment of City Compensatory Allowance before the 169th respondent and the said petition was allowed on 12.04.2014. Challenging the same, the petitioner has filed this writ petition.



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3.The learned counsel appearing for the petitioner submitted that claim petition can be filed only on the basis of pre existing rights inbetween the parties. Admittedly, there was settlement under Section 12 (3) of the Industrial Disputes Act between the Tamilnadu State Transport Corporation Limited and union of the Corporation dated 27.08.2010, however, it is not applicable to Puducherry and hence the employees working in the Tamilnadu State Transport Corporation Limited, Puducherry are not entitled to get such benefits. The learned counsel further submitted that in the absence of any pre existing rights, the private respondents filing computation petition is not sustainable, however, the same was not considered by the Labour Court.

4.The learned counsel appearing on behalf of some of the private respondents submitted that admittedly City Compensatory Allowance is granted to the employees working in the Tamilnadu State Transport Corporation Limited, however, it is not granted to the employees working in the Tamilnadu State Transport Corporation Limited, Puducherry, which is not sustainable since both the entities are under the control of the Tamil Nadu Government. The said fact was properly



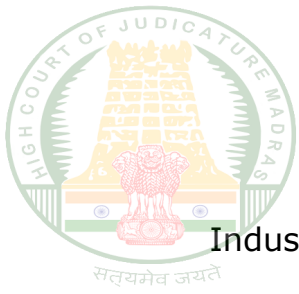
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appreciated by the Labour Court and the Labour Court passed the impugned order, which warrants no interference.

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5. Heard the learned counsel appearing for the petitioner. Some of the private respondents have died, though the names of some of the private respondents were printed in the cause list, there is no representation. Though the case is of the year 2015, the petitioner has not taken effective steps to serve notice on some of the private respondents. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

6. Admittedly the petition under Section 33 (C) (2) of the Industrial Disputes Act, 1948 can be filed only on the basis of pre existing rights inbetween the parties. This Court perused the 12 (3) settlement dated 27.08.2010 and the settlement entered between the union and Tamilnadu State Transport Corporation Limited dated 22.01.2011 for the purpose of pay revision and other incidental subjects and it is applicable only to the State of Tamil Nadu and it is not extended to Puducherry and contrary to the 12 (3) settlement, the private respondents filed petition under Section 33 (C) (2) of the



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Industrial Disputes Act, 1948 and the Labour Court allowed the said petition in the absence of pre-existing rights, which is not sustainable one.

7.The writ petition is allowed. The impugned order dated 12.04.2014 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

The Presiding Officer,
The Labour Court,
Puducherry.



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W.P.No.26566 of 2015

M.DHANDAPANI,J.
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W.P.No.26566 of 2015
And
M.P.No.1 of 2015

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