



W.P No.4916 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **P.DHANABAL**

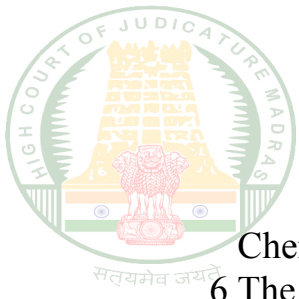
W.P.No.4916 of 2013
and MP.No.1 of 2013

Nethaji Pokkuvarathu Thozilalarkal
Pathukappu Thozhil Sangam
Rep. By its Presedent Mr.M.Anburaj

.. Petitioner

Vs.

- 1.The Principal Secretary to Government,
Transport Department,
Secretariat, Chennai – 600 009.
- 2.The Transport Commissioner,
Ezhilagam Complex,
Chepauk, Chennai – 600 005.
- 3.The Commissioner of Labour,
D.M.S. Complex,
Teynampet, Chennai – 600 006.
- 4.The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai – 600 002.
- 5.The Managing Director,
State Express Transport Corporation,
Pallavan Salai,



W.P No.4916 of 2013

Chennai – 600 002.

6.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division, Kumbakonam.

7.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Divisions I, II & III,
Villupuram.

8.The Managing Director,
Tamil Nadu State Transport Corporation,
Thirunellveli Division,
Thirunellveli.

9.The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Division, Salem.

10.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division I, II, Madurai.

11.The Managing Director,
Tamil Nadu State Transport Corporation,
No.37, Mettupalayam Road,
Coimbatore.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Declaration, declaring the act of the respondents by way of deducting a portion of an employee's wages payable to trade union in the name of check off system as unlawful and illegal one and consequently direct the respondents to refund the amount which were recovered from the employees for the period from 01.01.2011 onwards to all the employees concerned within time frame.



WEB COPY



W.P No.4916 of 2013

For Petitioners : Mr.R.Y.George Williams
For Respondents : Mr.R.Murthi, GA
for R1 to R3
Mr.R.Balaji, for R4
Mr.Hasan Faizal for R5
Mr.Sathya Gandhi for R6
M/s.S.Pavithra for R7
Mr.S.Gowtham Raj for R8
Mr.M.Aswin for R9
Mr.Vinothraj for R10
Mr.Murali Vinoth for R11

ORDER

This writ petition has been filed by the writ petitioner Union challenging the deductions made by the management for a portion of wages of an employees payable to the Trade Union in the name of check off system from the period from 01.01.2011 onwards.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner would submit that the respondents 4 to 11 have deducted some portion of the wages of the employees by stating that the amount has to be payable to the Trade Union in the name of check off system and the same is illegal. Without consent of the workman, the management used to deduct the said amount therefore, the deduction of the amount is illegal. Therefore, they filed the present writ petition.



W.P No.4916 of 2013

3. The learned counsel appearing for the respondents would submit that only based on the instructions of the trade union, and the consent of the concerned employees, they deducted the amount, otherwise they would not deduct the amount. If the employees are not willing to deduct the amount, they will not deduct the amount from the concerned employees.

4. Therefore, recording the above submissions of the learned counsel for the respondents, the respondent management is directed not to deduct any amount from the employees without their consent. If any employee aggrieved by the deduction of the amount, on the instructions of the union, they can approach the management by way of representation in respect of such deductions.

5. With the above direction, this writ petition is disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

10.01.2025

Index: Yes/No.
Internet/Yes/No
drl



W.P No.4916 of 2013

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W.P No.4916 of 2013

P.DHANABAL.J.

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