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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2026

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.451 of 2019
and
W.M.P.(MD)No.398 of 2019

Arasu Pokkuvarathu Thozhilar Sangam,
Represented by its General Secretary
A.Kanagasundar,
S/o.P.S.Appanasamy
V.P.Sindhan Memorial Building,
VOC 2nd Street,
Arul Nagar, Bye-pass Road,
Madurai-625 016

... Petitioner

Vs.

1.The State of Tamil Nadu
Represented by Additional Chief Secretary,
Transport Department and Chairman of
Tamil Nadu State Transport Undertakings
Fort St.George, Chennai-09.

2.Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Rep.by its Managing Director,
Madurai.



3. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region,
Madurai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from utilizing the services of Drivers and Conductors in other duties without allocating or extracting work for the category to which they belong to and to pay them salary in violation of G.O.Ms.No.321 Transport (C1) Department dated 31.10.2018 by considering representation of the petitioner Union made to the respondents dated 11.12.2018.

For Petitioner : Mr.A.Rahul

For R1 : Mr.J.Ashok,
Additional Government Pleader

For R2 & R3 : Mr.K.Ramaiah

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

This writ petition has been filed seeking a direction to forbear the respondents from utilizing the services of Drivers and Conductors in other



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duties without allocating or extracting work for the category to which they belong to and to pay them salary in violation of G.O.Ms.No.321 Transport (C1) Department dated 31.10.2018 by considering representation of the petitioner Union made to the respondents dated 11.12.2018.

2.The case of the writ petitioner is that the Government of Tamil Nadu, by G.O.Ms.No.321 Transport (C1) Department dated 31.10.2018, issued directions to the second respondent to streamline the existing staff strength in the offices of Depots, Regions and Head Office of the first respondent based on the number statement. While analyzing the expenditures related to the State Transport Undertakings, the Government found that 71% of the cash utilization is currently spent for man power cost and also there is no clear restriction on the number of employees at any given station. Therefore, pursuant to the directions of the first respondent, the second respondent furnished the number statement. Thereafter, the Government issued number statement fixing the staff strength as under:-



Number Statement of Tamil Nadu State Transport Corporation (Madurai) Limited, Madurai						
No.of Scheduled Services:2166			No.of Depots:39			
No.of Officers(including HO/RO/Workshops):64						
Administrative Supervisory Staff	Administration Staff	Traffic Supervisory Staff	Technical Supervisory Staff	Technical Staff	Regular Driver	Regular Conductor
71	552	180	187	1689**	5686**	5686**
*Over and above 5686, 184 Drivers, 81 Conductors are in excess and should be adjusted as mentioned in Para5(h) below: **135 Technical Staff are in excess and should be adjusted as mentioned in Para 5(h) below:						

2.2.The Government, ordered in the above said G.O., ordered that the number statement specifying the staff and personnel should not be exceeded and if any increase is required, proper justification should be given and the matter shall be approved by the Board of Directors of the second respondent, after which, the file may be sent to the first respondent for final approval and for due amendment. It is indicated in the Government Order that Drivers and Conductors may continue to be filled only according to the number of scheduled services and no further recruitment or induction is permitted until the excess staff mentioned in the above table are adjusted against retirement



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vacancies. Further, it is also indicated that the Drivers and Conductors should not be utilized for other duties. In this regard, there was a settlement arrived under Section 12(3) of the Industrial Dispute Act between the Trade Unions and the second respondent Corporation. In Clause 9 of the said settlement, it is specifically agreed that the employees/workmen appointed in a particular category in Technical/Traffic/Administration shall not be shifted to other work. In total disregard to the above Government Order and settlement, as many as 208 Drivers and Conductors, who are members of Anna Thozhir Sangam affiliated to ruling AIADMK party, have been given the privilege of not attending their respective duty in their respective post and they are allowed to draw salary without doing any work under the pretext of engaging them 'on other duty'. This writ petition is mainly focusing that under the name of Trade Union, which is affiliated to the ruling Government, some of the employees are not working properly. Therefore, the petitioner has filed the present writ petition seeking the aforesaid relief.



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3.A counter affidavit has been filed by the respondents admitting the Government Order in G.O.Ms.No.321 Transport (C1) Department dated 31.10.2018 and the settlement reached in this regard. The contention of the respondents is that since there are some vacancies in the post of Assistants in administrative wing, the qualified and work knowing Drivers and Conductors are engaged to do administrative work in the vacancies of Junior Assistant and those Drivers and Conductors will return to their job, after recruitment of Junior Assistants. As on 01.07.2018, 203 Drivers and Conductors were engaged in office to do administrative work and at Bus Stands and other important places for loading passengers. Gradually, the numbers have been reduced and as on 01.03.2019 only 159 numbers of Drivers and Conductors are being engaged and out of 159, 12 numbers of employees are medically unfit to do Driver and Conductor job and therefore, their designation will be changed on the basis of their medical report. Hence, they seeks dismissal of this writ petition.



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4.The learned counsel for the writ petitioner would submit that though the writ petition filed as against the earlier Government, the same situation is still continuing even now. The reply given to the RTI query dated 15.05.2025, clearly shows that almost 264 Drivers and Conductors have not been sent to the given job and they have been engaged in the administrative side in the name of other duty. Hence, he would submit that only the Trade Union, who has affiliation to the ruling party, are drawing their salary without doing job.

5.The learned Additional Government Pleader appearing for the first respondent would submit that now appointment orders have been passed and hereafter, the Driver and Conductor posts will not be utilized in administrative side.

6.We have paid our anxious consideration to the submissions made and also perused the materials placed on record.



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7. The very information provided under RTI Act in the year 2025 clearly shows that the persons, who have appointed as Driver and Conductors, have been given other works, whereas, one of the information received from Madurai Region shows that they have, in fact, sought permission to appoint temporary Drivers on outsourcing basis. In fact, it is clearly stated that there are 362 vacancies are available and those posts to be filled up by outsourcing. When the permanent staff have already been appointed in a particular post and allocating them for other work in the name of administrative work, we are of the view that the contention of the petitioner has been clearly established that when the persons have been appointed as Conductors or Drivers, their primary job should only driving work or conductor work and they should not be allotted to any other job, except when they suffer disability during work and they were found to be unfit to do Driver work or Conductor work. Only in that situation, they can accommodate to any other posts, suitable according to their health conditions.



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8. Therefore, we direct the respondents to strictly implement the Government Order in G.O.Ms.No.321 Transport (C1) Department dated 31.10.2018 and Clause 9 of the settlement arrived in this regard, forthwith. We make it clear that the Drivers and Conductors, who are belong to any Trade Unions affiliated to any ruling party, shall not be given any administrative work hereafter in the name of other duty. If the respondents violate the order of this Court, it is open to any workmen or any Trade Unions to file contempt petition.

9. With the above directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
02.03.2026

Index :Yes/No
Internet :Yes
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To

1.The Additional Chief Secretary,
Transport Department and Chairman of
Tamil Nadu State Transport Undertakings
Fort St.George, Chennai-09.

2.Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Rep.by its Managing Director,
Madurai.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai Region,
Madurai.



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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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