

(2001) 09 MAD CK 0111

In the Madras High Court

Case No : Writ Petition No's. 2045 and 6820 of 2001 and W.M.P. No's. 2758, 9742, 19093 and 22752 of 2001

Yadhavakrishnan N.

APPELLANT

Vs

G.M., T.N. State Transport Corporation Ltd. and Another

RESPONDENT

Date of Decision : 20-09-2001

Acts Referred:

Industrial Disputes Act, 1947 — Section 9A

Citation : (2002) 4 LLJ 842 : (2001) WritLR 903

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

P.D. Dinakaran, J.—With the consent of learned counsel on either side, both the writ petitions are taken up today for final disposal.

2. Even though the petitioners were originally appointed as Conductors, thereafter, they were transferred and posted as Computer Operators with special pay. However, the respondent Corporation proposed to re-transfer them as Conductors. Hence, the petitioners, in both writ petitions, seek for the issuance of a writ of mandamus directing the respondent to regularise the services of the petitioners in the post of Electronic Data Processing Operator from the date of their initial engagement as Electronic Data Operators and continue them as Computer Operators in the respondent Corporation, on the ground that without notice u/s 9-A of the Industrial Disputes Act, the petitioners cannot be transferred from the post of Computer Operators to that of Conductors, which would deprive them to get the special allowance paid to the post of Computer Operator.

3. Placing reliance on the decision of this Court, dated July 6, 1999 made in Writ Petition No. 11499 of 1999 (Haridasan Thambi v. The General Manager (Admn.) State Express Transport, Chennai, Mr. R.P. Kabilan, the learned counsel appearing for the respondent Corporation, contends that the order of transfer will not

constitute a reversion or a demotion as sought to be contended and therefore, Section 9-A of the Industrial Disputes Act will not be attracted.

4. The learned counsel for the respondent Corporation also places reliance on the decision of this Court dated July 17, 2001, made in Writ Petition No. 19579 of 2000 (D. Sundaram v. Managing Director, Metropolitan Transport Corporation Ltd., Chennai and Anr.) wherein one Sundaram, who was initially appointed as Conductor and thereafter, was transferred to the post of Computer Operator with special pay and later on, re-posted on "Line Duty" with effect from November 21, 2000 aggrieved by which, he preferred the above writ petition for the issuance of a writ of Mandamus., forbearing the respondents from reverting the petitioner from the post of Data Entry Operator/Computer Operator to that of Conductor on Line Duty and the learned single Judge dismissed the writ petition holding that there is no error or illegality in the said impugned order, which was confirmed by Division Bench of this Court in Writ Appeal No. 1371 of 2001, by order dated August 8, 2001.

5. If that be so, the order of the Division Bench of this Court dated August 8, 2001, made in Writ Appeal No. 1371 of 2001 has become final and the same is binding on the petitioners.

6. Hence, finding no merits, both the writ petitions are dismissed. No costs. Consequently, the injunction granted by this Court in W.M.P. Nos 2758 and 9742 of 2001 are vacated and W. M. P. Nos. 19093 and 22752 of 2001 are also dismissed.