

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.836 of 2015
and
M.P. No.1 of 2015

Tamil Nadu State Transport
Corporation,
Dharmapuri.

... Appellant

Vs

1. P. Thangaraj
2. The Presiding Officer,
Labour Court,
Salem.

... Respondents

Prayer:-Appeal filed under Clause 15 of Letters Patent against the order dated 30.01.2012 made in W.P.No.23236 of 2007.

W.P.No.23236 of 2007 : Writ Petition is preferred under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the Labour Court, Salem in I.D.No.494 of 2001 dated 12.02.2004, quash the same and to direct the first Respondent to provide suitable alternative employment to the petitioner in the Corporation.

For appellant : Mr.P. ParamasivaDoss

For respondents : Ms. Pavithra Praba
for
Mr. S. Kalyanaraman

J U D G M E N T

(Judgment of the Court was made by SATISH K. AGNIHOTRI,J.,)

Questioning the legality and validity of the order dated 30.01.2012, the appellant has come up with this writ appeal and the same was taken up for hearing for the first time on 10.07.2015. This Court, noticing the delay of 3 ½ years, granted one week time to the

appellant to seek instructions and file appropriate affidavit indicating as to whether any disciplinary proceedings have been initiated against the officer, who is responsible for causing such a long delay. The matter is taken up again today.

2. The learned counsel for the appellant is not in a position to express any view for want of requisite instructions. On a perusal of the documents and considering the submissions advanced by the learned counsel, it is seen that the learned single Judge, while allowing the writ petition, directed the authorities to carry out the order, within a period of twelve weeks from the date of receipt of a copy of that order. The time granted to comply with the order had come to an end long back. Today, the learned counsel for the appellant is not in a position to make out a case as to why, a contrary view to the one taken by the learned single Judge, has to be taken after a period of 3 ½ years.

3. In such view of the matter, we are not inclined to interfere with the order passed by the learned single Judge in the writ petition and entertain this writ appeal at this stage. However, we make it clear that the question of law involved herein is left open to be decided in an appropriate case.

4. Resultantly, the writ appeal stands dismissed. Consequently, connected miscellaneous petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer,
Labour Court,
Salem.

+1cc to M/s.S.Kalyanaraman, Advocate, S.R.No.36627
+1cc to M/s.Paramasivadoss, Advocate, S.R.No.37153

W.A. No.836 of 2015

RSK(CO)
CA(05/08/2015)