

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19182 of 2015

V.Thangarajan

... Petitioner

vs.

The Managing Director,
Chennai Metro Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

... Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondent to dispose of Petitioner's representation dated 12.06.2015 and consequently direct the respondent to pay the entire amount of Rs.1,86,300/- along with interest.

For Petitioner : Mr.D.Bharathy

For Respondent : Mr.P.Kannan Kumar

O R D E R

Mr.P.Kannan Kumar, learned counsel takes notice for the respondent.

2. Seeking a direction to the respondent to dispose of the representation of the petitioner dated 12.06.2015 and consequently, direct the respondent to pay the entire amount of Rs.1,86,300/- along with interest, the petitioner is before this Court with this writ petition.

3. The petitioner was a Driver in the respondent Corporation. He was terminated from service in the year 1985. He raised an Industrial Dispute before the Labour Court. The same was dismissed. A writ petition filed against the order of the Labour Court was also dismissed.

4. According to the petitioner during his service in the respondent Corporation, some deductions were made and he seeks to repay those amounts. It is further stated that, a partial amount of Rs.1,43,174/- was paid and the balance amount of Rs.1,86,300/- is

yet to be paid by the respondent Corporation. He sent a representation dated 30.03.2015 and 12.06.2015 to pay the balance amount.

5.In my considered opinion, the petitioner has effective alternative remedy before the Labour Court to claim any amount that was deducted from the salary of the petitioner while in service from the employer, by filing an application under Section 33-C(2) of the Industrial Disputes Act. It is also not expensive as Court fee need not be paid. Instead of approaching the Labour Court, the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Hence, I am not inclined to entertain this writ petition.

6.In the result, the writ petition fails and accordingly, the same is dismissed however, dismissal of this writ petition will not preclude the petitioner from filing an application under Section 33-C(2) of the Industrial Disputes Act, before the Labour Court, if he is so advised and if any such application is filed, it is for the Labour Court to consider the same and to proceed further in accordance with law. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jbm

To

The Managing Director,
Chennai Metro Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.32860
+1cc to Mr.D.Bharathy, Advocate, S.R.No.33123

KJI(CO)
CA(10/07/2015)

W.P.No.19182 of 2015