



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2015

CORAM:

THE HON'BLE MR. JUSTICE D. HARI PARANTHAMAN

W.P (MD) No. 23444 of 2015

WEB COPY

G. Jeyasingh Dharmaraj

... Petitioner

vs.

The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
No. 27, Railway Station New Road,
Kumbakonam - 612 001.

... Respondent

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 16.08.2014 and to pass appropriate orders on merits and in accordance with law within a stipulated period.

For Petitioner : Mr. C. Thangamani

For Respondent : Mr. D. Sivaraman

ORDER

The petitioner was employed as a Conductor in the respondent Corporation. He was removed from service by an order dated 11.09.1996. Thereafter, he was reinstated in service pursuant to a settlement, dated 28.05.2002 under Section 18(1) of the Industrial Disputes Act, 1947. Based on the said settlement, he was reinstated. In the said settlement, the petitioner was given a part of back-wages. The petitioner was reinstated and also the respondent Corporation complied with the aforesaid settlement. The same is not in dispute.

2. But the petitioner made a representation, dated 16.08.2014 seeking full wages for the period of non-employment without taking into account the aforesaid settlement referred to above. Now, he has filed this Writ Petition to dispose of his representation.

3. I am not inclined to issue a direction to the respondent to consider the representation, since the petitioner entered into 18 (1) settlement and the same is binding on him. Now, he cannot seek relief contrary to the said settlement. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/



To

The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

+One cc to Mr.C.Thangamani, Advocate, SR.No.76139

+One cc to Mr.D.Sivaraman, Advocate, SR.No.76228

ps

RL/4C/SKS/RR/7/1/2016

W.P. (MD) No.23444 of 2015

22.12.2015