



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.13195 of 2016

D.Sundarsingh

: Petitioner

Vs.

1. The General Manager,
State Express Transport Corporation,
Pallavan Salai,
Chennai-2.
2. The Commercial Manager,
State Express Transport Corporation,
Pallavan Salai,
Chennai-2.
3. The Branch Manager,
State Express Transport Corporation,
Marthandam Branch,
Marthandam,
Kanyakumari District.

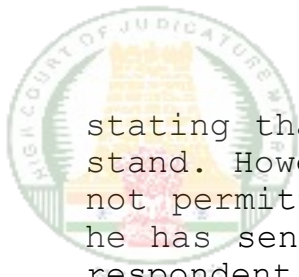
: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to permit the petitioner to join duty and consider the petitioner's representation, dated 27.06.2016.

For petitioner : Mr.S.Ramakrishnan for
Mr.D.Christenson Jugunu
For Respondents : Mr.K.Sathiyasingh

O R D E R

The petitioner Mr.D.Sundarsingh has been serving as Conductor in the State Express Transport corporation at Kanyakumari Branch from 18.12.1991. In the year 2000, he was transferred to Madurai Division. Thereafter, in the year 2008, again he was transferred to Marthandam Branch. Again on 21.08.2015, he was transferred to Nagapattinam. While so, on 17.06.2016, when the petitioner was doing his duty as Conductor in Nagapattinam to Marthandam bus service, one Jeganathan and another Checking Inspector has stopped the bus at Thiruthuraipoondi bus stand. Thereafter, the said Jeganathan has sent a complaint to the second and third respondent



stating that the bus was not going inside the Thiruthuraipoondi bus stand. However, no charge memo was issued. But, the petitioner was not permitted to join duty when he went to join duty. Therefore, he has sent a representation on 27.06.2016, 15.07.2016 to the third respondent, requesting him to permit the petitioner to join duty. But, the same has not been considered. Hence, this Writ Petition.

2.A Division Bench of this Court in **P.Pitchamani vs. Management of Sri Chakra Tyres Ltd.**, reported in **2004(2) LLN 1086**, while holding that only such violations under the Industrial Disputes Act, 1947, which involve public duties are amenable to writ jurisdiction under Article 226 of the Constitution of India, has made it clear that dismissals, transfers and matters concerning service conditions of employees governed by the Industrial Dispute Act, have to be adjudicated only by the forum created under the said Statute and not otherwise.

3. In the light of the said case-law, coming to the case on hand, where there exists a disputed question of fact about the non-employment of the petitioner, this Court is of the considered view, such issue can be, at best tried only by the forum under the Industrial Disputes Act, 1947. Hence, this Writ Petition is dismissed leaving it open to the petitioner to seek relief under the Industrial Disputes Act, if so advised. No Costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO MR.K.SATHIYA SINGH, ADVOCATE IN SR No. 40005
+ 1 CC TO MR.D.CHRISTENSON JUGUNU, ADVOCATE IN SR No. 39899

PM

TE/ARK-PV : 08/08/2016 : 2P/3C

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