

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

Writ Petition No.25864 of 2017

M.Arumugam

... Petitioner

Vs.

1. The Secretary to the Government,
Ministry of Surface Transport,
Government of India,
New Delhi.
2. The Management of Indian Maritime University,
Uthandi,
Chennai-600 119.
3. The Presiding Officer,
Central Government Industrial Tribunal
cum Labour Court,
Chennai.

... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records relating to the impugned award passed by the third respondent in I.D.No.78/2014 dated 14.01.2016 and quash the same and further direct the second respondent to reinstate the petitioner in service with full back wages, continuity of services and other all attendant benefits with promotion and regularization.

For Petitioner : Mr.A.Ilangovan

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to call for records relating to the impugned award passed by the third respondent in I.D.No.78/2014 dated 14.01.2016 and quash the same and further direct the second respondent to reinstate the petitioner in service with full back wages, continuity of services and other all attendant benefits with promotion and regularization.

2. The petitioner has come to this Court belatedly with a huge delay, challenging the award dated 14.01.2016 passed in I.D.No.78 of 2014 holding that the claim petition filed by the petitioner was an afterthought hence, was not entitled to any relief.

3.The learned Presiding Officer of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, has given a clear finding that though the copy of the resignation letter was produced by the petitioner, he has not submitted the copy of the representation said to have been made by him to the 2nd respondent withdrawing the resignation letter, which indicated that there was nothing to show that he wanted to withdraw the letter of resignation. This has been supported by his act of vacating the quarters and that he had submitted letter of resignation voluntarily and it was consequently, he had vacated the quarters. The claim made by the petitioner before the Tribunal was that he had given his resignation letter on the pressure made by the management. The petitioner has admitted that he has given the resignation letter and the burden was heavily upon him to establish that the resignation letter was obtained by force. As he had vacated the quarters subsequent to the resignation letter, this could be possible only when his resignation letter was accepted by the second respondent. In this background, the Tribunal came to the conclusion that the claim of the petitioner that the resignation letter was not accepted had no basis.

4. Firstly, the petitioner had miserably failed to discharge the burden to establish that the resignation letter was obtained from him by force. Secondly, the act of the petitioner in vacating the quarters would clearly reveal that he had submitted a letter of resignation voluntarily and after accepting his resignation only, he had consequently vacated the quarters. Thirdly, though the petitioner had suffered an order on 14.01.2016 in I.D.No.78 of 2014, almost for the period of two years, he had kept quiet. Hence the petitioner should be held guilty of laches and on the basis of undue delay, the Writ Petition is liable to be dismissed.

6.Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Secretary to the Government,
Ministry of Surface Transport,
Government of India,
New Delhi.
2. The Management of Indian Maritime University,
Uthandi,
Chennai-600 119.
3. The Presiding Officer,
Central Government Industrial Tribunal
cum Labour Court,
Chennai.

+1cc to Mr.A.Ilangovan, Advocate, S.R.No.71010

W.P.No.25864 of 2017

KK(CO)
CA(01/11/2017)



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