

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17499 of 2018

V.Gopinathan

..Petitioner

vs

1.The Managing Director,
State Express Transport Corporation,
Limited, Pallavan Salai,
Chennai - 600 002.

2.The General Manager,
State Express Transport Corporation,
Limited, Pallavan Salai,
Chennai - 600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents, by considering the representation made by the petitioner dated 19.03.2018 within a period to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Chandrasekaran
For Respondents : Mr.P.Kannan Kumar

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider the representation made by the petitioner dated 19.03.2018 within a stipulated period.

2.The writ petitioner was appointed as Driver in the respondent Corporation. On account of certain allegations, disciplinary proceedings were initiated against the writ petitioner and after conducting a domestic enquiry, the writ petitioner was dismissed from service with effect from 15.12.2004.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner made a

representation in the year 2007 itself. However, on a perusal of the records, the writ petitioner was dismissed from service on 15.12.2004 and an order of rejection was passed by the Joint Commissioner of Labour on 03.01.2007 and the representation was submitted on 19.04.2007. Earlier also, the writ petitioner filed a writ petition in W.P.No.22352 of 2008 and this Court passed an order on 25.09.2008, dismissing the writ petition, granting liberty to the writ petitioner to agitate his claim in W.P.No.30706 of 2007. The said writ petition in W.P.No.30706 of 2007 was also dismissed on 05.08.2011, dismissing the said writ petition filed by the Management. Thereafter, no action was taken by the writ petitioner to pursue the matter. Contrarily, he preferred a representation now after a lapse of about 14 years from the date of termination on 19.03.2018 and filed the present writ petition with a prayer for a direction to consider the representation.

4.This Court is of an undoubted opinion that the present writ petition has been filed in order to create a fresh cause of action for the purpose of agitating the order of dismissal passed by the respondents. No such writ petitions can be entertained for the purpose of creating a fresh cause of action. The writ petitioner was dismissed from service on 15.12.2004 and he must be prudent in pursuing the remedies available to him under law. Contrarily, now after a lapse of 14 years, he preferred a representation to the authorities on 19.03.2018 and filed the present writ petition for a direction to consider the representation. In the absence of establishing any legal right, this Court cannot entertain a writ petition. Further, the writ petition filed after a lapse of 14 years from the date of dismissal order, cannot be entertained. Under these circumstances, the writ petition is liable to be rejected on the ground of laches.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IX)

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Sub Assistant Registrar

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To

1.The Managing Director,
State Express Transport Corporation,
Limited, Pallavan Salai,
Chennai - 600 002.

2.The General Manager,
State Express Transport Corporation,
Limited, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.R.CHANDRASEKARAN, Advocate, S.R.No.46745

W.P.No.17499 of 2018

GP(CO)
TR(27/07/2018)



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