



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.02.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1996 of 2018

Alagarsamy

...Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
Virudhunagar Division,
Virudhunagar District.

2.The Special Deputy Commissioner of Labour,
DMS Complex,
Thenampet, Chennai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, thereby directing the respondents to call for the records relating to the impugned order in Sattam/Sa1/31/1/08 dated 28.01.2011 of the first respondent and quash the same and further direct the first respondent to disperse the salary from February 2011 to October 2011 and terminal benefits, pension, etc.

For Petitioner	: Mr.T.kumar
For Respondents	: Mr.Jayaram for R1
	: Mr.K.Saravanan for R2
	Government Advocate

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner was employed as conductor in the respondent/Corporation. By order dated 28.01.2011, passed by the General Manager, Tamil Nadu State Transport Corporation Limited, the petitioner was dismissed from service. The petitioner for reasons best known did not move the Labour Court. He also did not file any appeal before the Managing Director. Instead, he has chosen to file this Writ Petition after a lapse of seven years.

4.The learned counsel appearing for the petitioner citing the precarious financial conditions of the petitioner's family submitted that he can be given some more time to file an appeal before the Managing Director.



5.Considering the special facts and circumstances of this case, this Court is of the view that the petitioner can be given two weeks time from the date of receipt of a copy of this order to lodge an appeal before the Appellate Authority, namely, the Managing Director of Tamil Nadu State Transport Corporation. If such an appeal is filed within two weeks, the Appellate Authority shall entertain the same and dispose it of on merits without reference to limitation. The Appellate Authority is directed to pass orders there on within a period of eight weeks thereafter.

6.With these observations, the Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1.The Special Deputy Commissioner of Labour,
DMS Complex,
Thenampet, Chennai.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Virudhunagar Division,
Virudhunagar District.

+1cc to M/S.T.kumar, Advocate SR.No. 46720

+1cc to Special Government Pleader, SR.No. 47273

ORDER MADE IN
W.P. (MD) .No.1996 of 2018
07.02.2018

tsg

JM/SKN RSK/SAR 1/22.02.2018/2P/5C