



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.13064 of 2014

L.Rajendra Prasath

... Petitioner

Vs.

1.The General Manager,
Tamilnadu State Transport Corporation,
Tirunelveli Division, Tirunelveli District,
Tirunelveli.

2.The Presiding Officer,
Labour Court,
Tirunelveli,
Tirunelveli District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the award passed by the second respondent herein in I.D.O.P. No.65 of 2013 dated 25.06.2014 on the file of the Labour Court, Tirunelveli and quash the same and further direct the first respondent to give alternative employment to the petitioner with same salary and further direct the first respondent to pay arrears of salary and all other benefits to the petitioner.

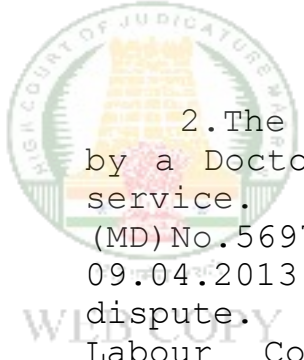
For Petitioner : Mr.V.M.Balamohan Thambi

For R1 : Mr.K.Sathyasingh

R2-Labour Court

ORDER

The petitioner was appointed as Driver on daily wages by order dated 13.04.1993. He was unauthorisedly absented himself from 19.12.1993. In fact, in his own hand written letter dated 07.05.2005, the writ petitioner admitted that on account of his ill-health, he could not report from 1994 onwards. It is obvious that for more than 11 years he was unauthorisedly absent. It appears that the petitioner suffered from some mentally ailment.



2.The petitioner on the strength of fitness certificate issued by a Doctor, requested the Management to reinstate him back into service. Since the said request was not accepted, he filed W.P. (MD)No.5697 of 2013 before this Court. This Court by order dated 09.04.2013 permitted the writ petitioner to raise an industrial dispute. Accordingly, I.D.No.65 of 2013 was filed before the Labour Court, Tirunelveli. The Labour Court, Tirunelveli dismissed the case of the writ petitioner. Assailing the same, the petitioner is before this Court.

3.This Court is of the view that no relief can be granted in this case, for the reason that the petitioner's initial appointment itself was only on a daily wages basis and he worked for hardly 8 months. Now, nearly 24 years gone by. In fact, the writ petitioner himself approached the Management seeking duty after a gap of 11 long years. Therefore, the Labour Court was rightly rejected the case of the writ petitioner. There is no reason to interfere. Accordingly, the Writ Petition is dismissed. No costs.

sd/
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The General Manager,
Tamilnadu State Transport Corporation,
Tirunelveli Division, Tirunelveli District,
Tirunelveli.

2.The Presiding Officer,
Labour Court,
Tirunelveli, Tirunelveli District.

+1cc to Mr.K.Sathiya Singh, Advocate in SR.No. 54016

GJM/RSK/SKN/SAR-3-30.5.18-2P-4C

W.P. (MD) No.13064 of 2014
08.03.2018