



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2298 of 2015

C.Mehanathan

... Petitioner

Vs.

1. Tamil Nadu State Transport Corporation (Madurai) Limited, (Formerly) Nagercoil Region, Now Tamil Nadu Transport Corporation (Tirunelveli) Limited, Rep.by its Managing Director, Vannarpettai, Tirunelveli.

2. The Presiding Officer, Labour Court, Tirunelveli.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records, relating to the proceeding of the second respondent Labour Court in C.P.No.27 of 2012, culminating in it's award dated 15.10.2014 and quash the same and direct the first respondent to pay a sum of Rs.51,42,567.40 towards arrears of salary, to the petitioner.

For Petitioner : Mr.B.Brijesh Kishore

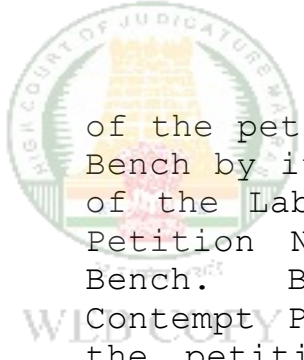
For Respondents : Mr.J.Gunaseelan Muthaiah,
Addl. Govt. Pleader for R2

Mr.K.Sathiyasingh for R1

ORDER

The petitioner retired from the service of the Transport Corporation as Checking Inspector on 31.10.2011. Earlier he was working as a Conductor. For acts of delinquency, he was dismissed from service. He filed I.D.No.464 of 1990 before the Labour Court, Tirunelveli. The Labour Court passed an award setting aside the order of dismissal and directed the petitioner's reinstatement, but without any back-wages.

2. Aggrieved by that portion of the award which was adverse to them, both the petitioner as well as the management, filed writ petitions before this Court. The writ proceedings ended in favour



of the petitioner herein/workman. But, then, the Hon'ble Division Bench by its common Judgment dated 27.04.2010, restored the order of the Labour Court. The writ petitioner then moved a Contempt Petition Nos.1493 and 1494 of 2010 before the Hon'ble Division Bench. By order dated 21.12.2010, even while dismissing the Contempt Petitions, the Hon'ble Division Bench directed that if the petitioner has any grievance, it is open to him to make representation to the management for consideration and passing of appropriate orders in accordance with law. Even though such a liberty was given to the petitioner, instead of availing the same, the petitioner had chosen to file C.P.No.27 of 2012 before the Labour Court, Tirunelveli. The said C.P was dismissed by order dated 15.10.2014. The same is impugned in this writ petition.

3.The learned counsel appearing for the petitioner fairly submits that he would be satisfied if the liberty originally given by the Hon'ble Division of this Court is again reiterated by this Court. Even while sustaining the order impugned in this writ petition, this Court specifically grants liberty to the petitioner to submit a representation to the management. The learned counsel for the petitioner submits that such a representation will be filed within 10 days from the date of receipt of a copy of this order. If such representation is given within the time stipulated above, the first respondent/management is directed to consider the representation and pass orders thereon, within a period of eight weeks thereafter.

4.With this liberty and direction, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Tirunelveli.

+1cc to Mr.B.Brijesh Kishore, Advocate Sr.No.51246
+1cc to Mr.K.Sathiyasingh, Advocate Sr.No.51501
+1cc to Spl.Government Pleader Sr.No.51618

SKM
VB/PN/SAR4/02.07.2018/2P/5C