



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on :16.03.2018

Pronounced on :06.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P (MD) No.21487 of 2016

S.Raj

... Petitioner

Vs.

The General Manager,
Tamilnadu State Transport Corporation,
Tirunelveli Division, Nagercoil Zone,
Nesamaninagar, Nagercoil-1.

... Respondent

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 award dated 11.02.2015 made in I.D.No.32 of 2013 on the file of Labour Court, Tirunelveli and quash the same and consequently direct the respondent to notionally promote the petitioner as Assistant Manager with effect from the year 2012 and accordingly sanction all the consequent attendant service benefits.

For Petitioner : M/s.S.Royce Immanuvel

For Respondents : Mr.K.Sathiyasing
Standing Counsel for TNSTCORDER

The petitioner was originally appointed as a apprentice Foremen on 12.08.1985 in Tamilnadu Goods Transport Corporation. He was regularized as an Assistant Foremen on 01.08.1987. The said corporation was abolished vide G.O.Ms.No.307, dated 22.03.1989 and its employees were transferred to various government transport corporations. The petitioner was transferred to Nesamony Transport Corporation Ltd, Nagercoil. However, he was downgraded and re-designated as Tradesman with effect from 04.07.1989. He became a Junior Engineer in the year 1992 and retired from service on 31.05.2012 as Assistant Engineer.

2.The grievance of the petitioner is that workmen who were similarly placed and who were transferred to other transport corporations were given due promotion and they retired as Assistant Managers. The petitioner submits that he ought not to have been downgraded as Tradesman. The petitioner quantified the monetary loss caused to him at Rs.20,30,325/-. He therefore raised an industrial dispute in ID No.32 of 2013. But, the same was dismissed by the impugned award dated 11.02.2015. Questioning the same, this writ petition has been filed.



3. Heard the learned counsel on either side.

4. This Court is of the view that the petitioner herein is seeking to revive the stale matters. A look at the petition filed by the petitioner before the Labour Court contains the prayer that the order dated 04.07.1989 passed by the respondent should be set aside as illegal. The cause of action set out in the I.D arose a full 24 years earlier. It is relevant to note that the petitioner raised the dispute after he retired from service. The monetary loss claimed by the petitioner has been worked out purely on hypothetical and notional basis. If he was aggrieved by his re-designation as Tradesman in the transport corporation, he must have challenged it then and there. Mounting a challenge 24 years later and after retiring from service is simply not acceptable.

5. The Labour Court also noted that the cause of the petitioner was not espoused by the trade union. The Labour Court correctly come to the conclusion that since no unfair labour practice or victimization has been established, it is not possible for the Labour Court to grant any relief to the petitioner. The reasons set out in the impugned award are certainly sound. There is absolutely no merit in this writ petition. There is nothing in the impugned award that warrants interference at the hands of this Court. Hence, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

+1CC to M/s.S.Royce Immanuvel, Advocate, SR.No.67403

+1CC to Mr.K.Sathiyasing, Advocate, SR.No.67120

W.P(MD)No.21487 of 2016

06.06.2018

SKM

ES/SKN/RSK/SAR 1/18.06.2018/2P/3C