

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

Writ Appeal No.1942 of 2011

A.Chandaran

Appellant

Vs

1. The Managing Director
Tamil Nadu State Transport Corporation
Villupuram Division II Limited
Vellore - 9.

2. The General Manager
Tamil Nadu State Transport Corporation
Villupuram Division II Ltd
Vellore - 9

Respondents

PRAYER: Writ Appeal filed under clause 15 of Letters Patent, against the Order dated 20.12.2010 in W.P.No.9691 of 2010. Writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorified mandamus Calling for the records relating to the impugned order passed by the second respondent herein vide Memo No.161334/Sa 6/Tha.Aa.Po.Ka/2007 dated 17.09.2008 and subsequently modified by the Appellate Authority the first respondent herein in his proceedings Memo.No.161334/Sa 6 / Tha.Aa.Po.Ka(vi) VEMA/2007 dated 30.03.2010 and to quash the same as illegal and arbitrary and consequently direction the respondents to restore status quo as on the day before issue of impugned order dated 17.09.2008 in respect of the petitioner and may deem fit and proper in the circumstances of the case and thus render justice thus render justice.

For Appellant : Mr.R.Y.George Williams
For Respondents : Ms.S.Rajini Ramadoss

O R D E R

(Order of the Court was made by K.K.SASIDHARAN,J.)

The Writ Petition filed by the appellant challenging the order imposing punishment dated 17.09.2008, and the

Appellate order dated 30.03.2010 were challenged before the Writ Court in W.P.No.9691 of 2010. The Writ Petition was initiated within 29 days after passing the order by the Appellate Authority.

2. The learned counsel for the appellant submitted that the Writ Petition was dismissed primarily on the ground that the evidence was not adduced to prove the contentions taken by the appellant. According to the learned Counsel, he is instructed to withdraw the appeal with liberty to raise an industrial dispute.

3. We set aside the order passed by the learned single Judge dated 20.12.2010 in W.P.No.9691 of 2010. We give liberty to the appellant to raise a dispute before the appropriate Labour Court. In case, any such dispute is raised, the pendency of the Writ petition and Appeal from 29.04.2010 to the date on which, the certified copy of the Order is given to the appellant shall be excluded.

4. The intra Court Appeal is disposed of as indicated above. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vrn/sri

To

1. The Managing Director
Tamil Nadu State Transport Corporation
Villupuram Division II Limited
Vellore - 9.

2. The General Manager
Tamil Nadu State Transport Corporation
Villupuram Division II Ltd
Vellore - 9

+1cc to M/s.R.Y.George Williams, Advocate SR.No.34653

+1cc to Ms.S.Rajini Ramadoss, Advocate SR.No.35533

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PPA (CO)
GMY (10/05/2019)