

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.14144 of 2009 and
M.P.No.2 of 2009

K.N.Kamaraj

...Petitioner

Versus

1. The Deputy Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai-1.

2. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai,
Chennai-600 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his Proceedings CME/DA2/3798/2005/Estt. Dated 15.02.2007 and in Proceeding No.CME/DA2/909/08/Estt. Dated 20.05.2009 and quash the same and consequently, direct the respondents to repay the withheld increments.

For Petitioner : Mr.K.Raja

For Respondents : Mr.M.R.Dharani Chander
No.1 and 2

O R D E R

This Writ Petition has been filed against the impugned order dated 15.02.2007 passed by the 2nd respondent which has been confirmed by the Appellate Authority by order dated 20.05.2009.

2. Learned Counsel for the petitioner submitted that the petitioner was initially appointed as Assistant Technician in the year 1984 in the Chennai Port Trust and thereafter, he was given promotion as Deployable Vehicle Driver in the year 1985. While so, he was issued with a Show Cause Notice dated

30.11.2005 alleging that he has damaged more than 20 steel coils landed from M.V.Canadian Express under Mark PQS Hyundai during stacking operation at NQ shed during III shift on 31.10.2005. The petitioner has given his detailed explanation on 14.12.2005. Dissatisfied with the explanation offered by the petitioner, an Enquiry Officer was appointed, who on completion of the enquiry, found him guilty. Finally, the Disciplinary Authority imposed the punishment of stoppage of increment for one year with cumulative effect. As against the same, the petitioner preferred an appeal before the 1st respondent, but the same was rejected by the 2nd respondent in one line order dated 20.05.2009. Aggrieved by the same, the present Writ Petition has been filed.

3. Heard the learned Counsel on either side.

4. It appears that while the petitioner has been serving as Driver which comes under Class III worker, in the Chennai Port Trust, he was inflicted with the punishment of stoppage of increment for one year with cumulative effect and as such, the remedy to the petitioner against the punishment order imposed, is available only before the Labour Court. Since he has bypassed the effective statutory and alternative remedy of approaching the Labour Court, this Writ Petition is liable to be dismissed.

5. In the result, the Writ Petition is dismissed with liberty to the petitioner to approach the concerned Labour Court within a period of two weeks from the date of receipt of a copy of this Order and if the petitioner approaches the concerned Labour Court within two weeks, the Labour Court shall consider the matter on merits. No costs. Consequently, connected Miscellaneous Petition is also closed.

tsi

सत्यमेव जयते Sd/-

Assistant Registrar

//True Copy//

WEB COPY

Sub Assistant Registrar

To

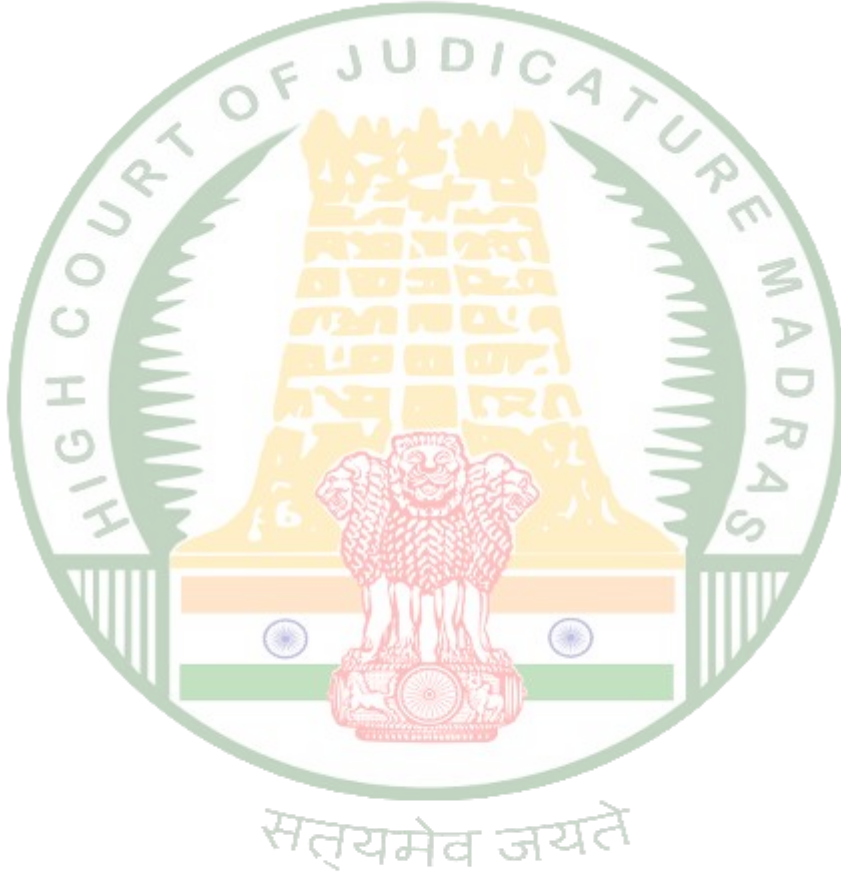
1. The Deputy Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai-1.

2. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai, Chennai-600 001.

+1cc to Mr.Raja, Advocate, S.R.No.15028
+1cc to Mr.M.R.Dharanichander, S.R.No.15785 (14/08/2019)

W.P.No.14144/2009

Mg (CO)
Kak (23/03/2019)



WEB COPY