

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.06.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.18262 of 2019

P.Kabali

... Petitioner

Vs.

M/s.State Express Transport Corporation Ltd.,
Rep. By its Managing Director,
No.2, Pallavan Salai, Chennai - 600 002.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to reinstate the petitioner into service with effect from 23.11.1996 and pay the consequential benefits by considering the representation of the petitioner dated 29.05.2012, 10.03.2014, 14.03.2016 and 29.05.2019.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mrs.Rajeni Ramadoss

ORDER

The case of the petitioner is that he was appointed as Conductor on daily wage basis in the respondent Corporation on 14.12.1995. He had served about 257 days continuously from 14.12.1995 to 22.11.1996. Thereafter, the petitioner was discontinued from service.

2.In the above circumstances, the petitioner appears to have approached this Court by filing W.P.No.2552 of 1997 wherein, an order was passed on 23.04.1997 by this Court, directing the respondent therein, to consider the claim of the petitioner and to appoint him as Daily paid Conductor. Against which, a writ appeal was preferred in W.A.No.1017 of 1997 and a Division Bench of this Court passed an order on 08.12.1997 to consider the claim of the petitioner. Thereafter, it appears that the petitioner was appointed as Daily paid Conductor from 22.06.1997 and subsequently, for a brief spell from 22.04.2005 to 27.06.2005, the petitioner was appointed on daily wage basis. Thereafter, nothing is stated as to what had happened to his employment.

3.In the said circumstances, the present Writ Petition has been filed seeking for issuance of writ of mandamus, directing the respondent to reinstate the petitioner with effect from 23.11.1996 with consequential benefits. The prayer as sought for in the writ petition is hopelessly time barred and hit by severe latches as the petitioner seeking reinstatement in service with effect from 23.11.1996 after a period of 22 years.

4.Nowhere in the affidavit, it has been specifically spelt out as to what had happened during the last 22 years when the averments disclosed that the petitioner was kept out of employment. There has been no explanation also in the affidavit as to why it has taken the petitioner so long with extraordinary delay of 22 years to approach this Court, and casually seeking direction for reinstatement with effect from 23.11.1996.

5.In the above circumstances, this Court is of the view that the entire litigation appears to be speculative without any specific cause of action for this Court to intervene at this distance point of time.

6.In view of the above, this Court does not find any merit to entertain the writ petition even for a second and hence, the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Sgl

To

M/s.State Express Transport Corporation Ltd.,
Rep. By its Managing Director,
No.2, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.S.Rajeni Ramadoss, Advocate, S.R.No. 53960

W.P.No.18262 of 2019

BS (CO)
GN(07/08/2019)