

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3933 of 2019

C.Thavamani

.. Appellant

v.

1. The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
Salamedu, Villupuram Town and Taluk,  
Villupuram District.
2. The Branch Manager,  
Tamil Nadu State Transport Corporation Ltd.,  
Branch Office, Thiruvannamalai Road,  
Gingee Town & Taluk - 604 202,  
Villupuram District.
3. The Secretary,  
Transport Department,  
Government of Tamil Nadu,  
Fort St. George, Chennai - 600 009.
4. The General Manager,  
Tamil Nadu State Transport Corporation Ltd.,  
Salamedu, Villupuram Town and Taluk,  
Villupuram District.

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 25.06.2019 passed in W.P.No.17195 of 2019 on the file of this Court.

W.P.No.17195 of 2019:-

This Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 4<sup>th</sup> Respondent vide K.Ku.No.1113/3492/ T2/TNSTC/V 2006 dated 31.08.2009, quash the same and consequently direct the respondents to grant and pay all the monetary benefits alongwith otherbenefits on the basis of the representation dated 21.02.2019 to the petitioner.

For Appellant

: Mr.K.P.Chandrasekaran

JUDGMENT

(Order of the Court was made by The Hon'ble Chief Justice)

The challenge raised is to the judgment of the learned Single Judge, who has declined to exercise discretion under Article 226 of the Constitution of India against the order of termination passed in the year 2009 on the ground that the writ petition itself was presented after ten years before the High Court. The learned Single Judge, essentially, declined to entertain the writ petition on the ground of laches.

2. We see no valid reason having been given before us for condonation of the said delay or overlooking laches in filing of the writ petition. There is, therefore, no justification to disagree with the conclusion arrived at by the learned Single Judge on this issue.

3. Learned counsel for the appellant, however, submits that at least the emoluments, which otherwise would be payable on account of the termination of the service of the employee, may be directed to be made available to the appellant.

4. We, therefore, consign this appeal with liberty to the appellant to approach the Tamil Nadu State Transport Corporation through its competent authority for receiving any such amount that may be due or admissible, but we decline to interfere with the impugned judgment of the learned Single Judge. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

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To:

1. The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
Salamedu, Villupuram Town and Taluk,  
Villupuram District.

WEB COPY

2. The Branch Manager,  
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Branch Office,  
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3. The Secretary,  
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Chennai - 600 009.

4. The General Manager,  
Tamil Nadu State Transport Corporation Ltd.,  
Salamedu,  
Villupuram Town and Taluk,  
Villupuram District.

+2cc to Mr.P.Thirumalai, Advocate in sr.no.95462 (09.01.2020)

W.A.No.3933 of 2019

NMI (CO)  
CS/13/12/2019



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