



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.20742 of 2014
and M.P(MD) .Nos.1 and 2 of 2014

P.Sivakumar

... Petitioner

-Vs-

1.The Management of Tamil Nadu,
State Transport Corporation (Kumbakonam) Ltd.,
rep., by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region, Periamilaguparai,
Tiruchirappalli.

3.The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Theeran Nagar Branch,
Manapparai Road, Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Ref.No.Tha.Naa.Po.Ka/Trichy/Niru/E3A/1733/2013 dated 22.11.2013 quash the same insofar as regularizing the petitioner's service with effect from 01.11.2013 instead of from 21.07.2010 and consequently directing the respondents to regularize his services in the post of Driver with effect from 21.07.2010 ie., the date on which the completed 240 days of service within one year and further directing the respondents to pay arrears of difference in salary and all other attendant benefits payable to him from 21.07.2010.

For Petitioner : Mr.A.Rahul

For Respondent : Mr.D.Sivaraman
Standing Counsel



ORDER

The order dated 22.11.2013 granting permanent absorption in regular time scale of pay with effect from the date of the said order is under challenge in the present writ petition.

2.The grievance of the writ petitioner is that the regularization must be given from the date, on which, he completed 240 days of service. However, these all are the disputed facts, which are all to be adjudicated with reference to the documents and evidences. Admittedly, the writ petitioner is the workman and he is governed under 12(3) settlement. His claim set out in the writ petition is also with reference to the terms and conditions of the 12 (3) settlement. Thus, the Labour Court would be the appropriate forum for adjudication of these disputed facts with reference to the documents and evidences. Contrarily, the High Court cannot adjudicate on such facts and disputes. Under these circumstances, the petitioner is at liberty to approach the competent Labour Court for the purpose of redressal of his grievances in the manner known to law.

3.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmk

+1 cc to Mr.A.Rahul , Advocate SR.No.26519

+1 cc to Mr.D.Sivaraman , Advocate SR.No.26331

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