



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.15520 of 2021

A. Mohan

... Petitioner

Vs.

1. The Management,
Tamilnadu State Transport Corporation,
(Madurai Cottam -3) Limited,
Represented by its Managing Director,
Nesamani Nagar,
Ranithottam, Nagercoil,
Kanyakumari District.

2. The Managing Director,
Tamilnadu State Transport Corporation,
(A Government of Tamilnadu Undertaking)
19, Thiruvananthapuram Road,
Vannarpettai,
Tirunelveli - 627003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to implement the earlier order which was passed by this Court in W.P.No.25637/2003 on 23.04.2019 on the basis of the petitioner's representation dated 15.06.2019 and pass orders.

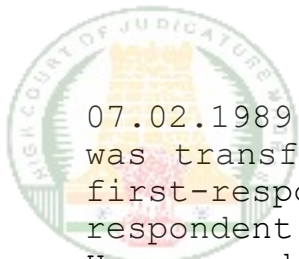
For Petitioner : Mr. A. Rajaram

For Respondents : Mr. R. Rajamohan
Standing Counsel

ORDER

This Petition is filed for the issuance of a Writ of Mandamus, directing the respondents to implement the earlier order which was passed by this Court in W.P.No.25637/2003 on 23.04.2019 on the basis of the petitioner's representation dated 15.06.2019.

2. According to the petitioner, he was a permanent employee of the first respondent and he was confirmed as permanent employee on



07.02.1989 with effect from 01.01.1989. Thereafter, the petitioner was transferred to the second-respondent and was relieved from the first-respondent Corporation on 30.12.1991, but the second-respondent did not absorb the petitioner and permitted to join. However, by order dated 07.02.1992 of the second-respondent, the petitioner was posted at Tiruchendur Branch and was directed to furnish first aid certificate within a period of three months from the date of that order. The said certificate was furnished by the petitioner but the said certificate was alleged to be a forged one. In view of this, domestic enquiry came to be conducted by the respondent and the petitioner was removed from service on 03.02.1993. As against the said dismissal order., the writ petitioner raised a dispute in I.D.No.126 of 1996 and by an award dated 04.03.2003, the Labour Court, Tirunelveli ordered reinstatement of the petitioner without back wages and continuity of service. The petitioner was reinstated on 19.12.2009. The award has been challenged by both the Transport Corporation in W.P.No.35659 of 2003 as well as employee in W.P.No.25637 of 2003 and the Madras High Court has passed a common order in both the writ petitions on 23.04.2009. W.P.No.25637 was allowed and the I.D. Award, so far as it denied the continuity of service and back wages, was set aside and W.P.No.35659 of 2003 filed by the respondent-corporation was dismissed. However, the respondent is not ready and willing to comply with the said order of the High Court and therefore the petitioner has filed the present Writ Petition before this court seeking a direction to the respondents to implement the earlier order passed by the Madras High Court in W.P.No.25637 of 2003 dated 23.04.2009 on the basis of the representation dated 15.6.2019 made by the petitioner.

3. The respondents have filed a counter affidavit, in which it is stated that the respondent corporation has preferred an appeal before the Principal Seat at Madras in W.A.No.1375 of 2021 against the order passed in W.P.No.25637 of 2003 dated 23.04.2019 and the Division Bench has passed an interim order dated 24.06.2021 in C.M.P.No. 8587 of 2021 granting an order of interim stay, staying the order passed in W.P.No. 25637 of 2003. Further, even though the petitioner has entered appearance through counsel, has suppressed this material fact before this Court in the present Writ Petition.

4. In view of the fact that a writ appeal in W.A. No. 1375 of 2021 has been preferred by the Transport Corporation before the Madras High Court, and the Division Bench has granted an interim order in C.M.P.No.8587 of 2021 dated 24.06.2021 staying the order passed in W.P.No.25637 of 2003, the relief sought for by the petitioner to implement the order passed by the Madras High Court in W.P.No.25637 of 2003 dated 23.04.2009 cannot be entertained as no case has been made out to grant the relief as prayed for by the petitioner.

<https://hcservices.courts.gov.in/hcservices/> 5. Accordingly, as there is no merit in the Writ Petition, the



same is liable to be rejected. In fine, the Writ Petition is dismissed. After the disposal of the Writ Appeal, if necessary, the writ petitioner may seek his remedy in a manner known to law. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Management,
Tamilnadu State Transport Corporation,
(Madurai Cottam -3) Limited,
Represented by its Managing Director,
Nesamani Nagar,
Ranithottam, Nagercoil,
Kanyakumari District.
2. The Managing Director,
Tamilnadu State Transport Corporation,
(A Government of Tamilnadu Undertaking)
19, Thiruvananthapuram Road,
Vannarpettai,
Tirunelveli - 627003.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-29024[F] dated 14/09/2021)

+1 CC to M/s.A.RAJARAM, Advocate (SR-28907[F] dated 14/09/2021)

W.P. (MD) No.15520 of 2021

13.09.2021

RD/JGB(29.10.2021) 3P 5C