



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.17376 of 2021

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S.Kasivelu

... Petitioner

Vs.

1.The Management/Vice President (MFG),
The India Cements Limited,
Sankar Nagar Post,
Tirunelveli District-627 357.

2.The Vice President (MFG),
The India Cements Limited,
Vishnupuram (Works),
Vadapalli Post,
Thamarachella Taluk,
Nalkonda District (AP) 508 355
Andhrapradesh.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the Labour Court, Tirunelveli, in I.D.No.45/2013 dated 23.04.2014 and quash the same as illegal and consequently direct the respondents to pay the compensation and also to disburse the arrears of bonus and other benefits to the petitioner, within a time frame as fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the Labour Court, Tirunelveli, in I.D.No.45/2013 dated 23.04.2014 and quash the same as illegal and consequently direct the respondents to pay the compensation and also to disburse the arrears of bonus and other benefits to the petitioner, within a time frame as fixed by this Court.



2. Heard, J.Jeyakumaran, the learned counsel appearing for the petitioner and perused the entire records.

3. According to the petitioner, initially he was appointed as Packing and Civil worker in the 1st respondent company on 01.06.1968 and later his service was regularized and promoted as Mazdoor on 24.05.1978 and also promoted as Machinery Attender. While so, on the complaint against the petitioner, he was transferred to 2nd respondent company, where he joined and worked as Loco Train Engine Driver. He filed a petition before the Labour Officer, Tirunelveli, challenging the order of transfer, which was rejected on the ground that Labour Officer has no jurisdiction to deal with the complaint of unfair labour practice in the respondent's company. Thereafter, by order dated 01.06.2012, the 2nd respondent Corporation terminated the petitioner from service on 31.05.2012, which according to the petitioner, without conducting any enquiry. He raised an industrial dispute in I.D.No.45 of 2013 and also seeking a direction to the respondents to pay compensation to the petitioner. By order dated 23.04.2014, the said I.D. was dismissed. Hence the Writ Petition.

4. A perusal of the entire records, it appears that after his termination in the year 2012, the petitioner raised industrial dispute in I.D.No.45 of 2013 seeking a direction to the respondents to pay compensation to the petitioner and the same was dismissed by the Labour Court on 23.04.2014. But the petitioner has come forward with the present writ petition, challenging the same after a delay and laches for a period of seven years. Therefore, this Court does not find any merit in the Writ Petition and the same is liable to be dismissed on the ground of delay and laches. In this regard, it is worthwhile to refer a decision of the Hon'ble Supreme Court in **"The Regional Manager, APSRTC Vs. N.Satyanarayana and others"** reported in 2008 (1) SCC 210, wherein, in para 10, it has been held as under:

"10. Even a bare reading of paragraph-18 of the judgment on which reliance has been placed by the learned Single Judge and the Division Bench, it is clear that the relief was moulded to avoid anomalies and in view of the peculiar situation involved. This Court categorically held that the orders impugned in the appeals were not sustainable because the writ petitions were filed after a long lapse of time. Similar is the position here. The regularization was done w.e.f. 1.8.1987 and the writ petitions were filed in the year 1999. That being so and since in the writ petition without any explanation has been offered for the delayed approach, writ petition should have been dismissed on the ground of delay and laches

5. In the present case, admittedly, the petitioner has approached this Court after a lapse of seven years without any



explanation has been offered for the delayed approach. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar(CS)

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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.

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RD/PM (15.11.2021) 3P 1C