



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.19817 of 2021

R.Ochukalai

... Petitioner

Vs.

1.The Chairman cum Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Madurai Region, Bye Pass Road, Madurai.

2.The Branch Manager,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Ellis Nagar Branch, Madurai City,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to reinstate the petitioner as a Conductor in the respondent corporation by re-considering the order of termination passed by the first respondent in his proceedings in Ref Vehicle/D1/NE/132 and 159 dated 29.07.2011 and to settle all monetary benefits payable to the petitioner along with accrued interest thereon by considering the petitioner's representation dated 22.09.2021 within the time stipulated by this Court.

For Petitioner

:Mr.K.Muthumalai

For Respondents

:Mr.Rajasekaran

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, to direct the respondents to reinstate the petitioner as a Conductor in the respondent Corporation by re-considering the order of termination passed by the first respondent in his proceedings, dated 29.07.2011, and to settle all monetary benefits payable to the petitioner along with accrued interest thereon by considering the petitioner's representation, dated 22.09.2021, within a time stipulated by this Court.

2.Heard Mr.K.Muthumalai, learned Counsel appearing for the petitioner and Mr.Rajasekaran, learned Counsel appearing for the respondents.

3.The petitioner was working as a Conductor. It is to be noted that the petitioner repeatedly absented himself unauthorisedly and that therefore, he was terminated from service by an order, dated 27.09.2011, for his unauthorized absence for nearly two years.



4.From the impugned order that was passed in 2011, it is seen that the petitioner was given the least punishment of censure at least on 16 occasions earlier for unauthorised absence. Such a person has once again approached this Court to re-consider the order of termination passed in the year 2011. This Writ Petition is liable to be dismissed on the ground of delay and laches. It is to be noted that the petitioner has accepted the order of punishment, as anyone will do. He did not challenge the order by raising an industrial dispute. After sleeping over about ten years, the petitioner has now approached this Court on the basis of his representations that were submitted recently to the respondents. This Court is unable to entertain this Writ Petition, as this Court is not convinced that there is valid ground for re-considering the order of termination after this length of time, especially, when the petitioner has not availed his statutory remedy.

5.Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tmg/cmr

TO: -

- 1.The Chairman cum Managing Director,
The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Madurai Region, Bye Pass Road,
Madurai.
- 2.The Branch Manager,
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