



WEB COPY

In the High Court of Judicature at Madras

Dated: 28.01.2022

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The Honourable Mr.JUSTICE V.PARTHIBAN

W.P.No.1189 of 2022

R.Ramasubramanian

.... Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep by the Secretary to Government
Labour and Employment Development Department
Secretariat Chennai-600 009
- 2 The Labour Commissioner
Commissionerate of Labour DMS Campus
Teynampet Chennai-600 006
- 3 The Assistant Labour Commissioner
The Office of the Assistant Labour
Commissioner Ramanathapuram - 623 504.
- 4 The Management
Rep by its Managing Director Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd
Head Office New Railway Station Road
Kumbakonam-612 001. Respondents

PETITION filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the order dated 15.07.2021 which was passed by the 3rd Respondent herein in his proceedings bearing Na.Ka.No.89/2021 and quash the same as illegal ad consequently to direct the 1st Respondent herein to refer the application of the Petitioner dated 13.03.2021 to the Honorable Labour Court Kumbakonam for proper adjudication.

For Petitioner:Mr. S.R.Karthikeyan

For Respondent:Mr.G.Nanmaran

Special Government Pleader - R1 to R3
Mr.L.S.M.Hasan Fazal
Additional Government Pleader - R4



O R D E R

The case of the petitioner is that he is working as a Driver in the 4th respondent Corporation from the year 2008 and is presently stated to have been posted in Madurai Bus Depot. According to him, in the year 2018, he was posted in Karaikudi Bus Depot. On 01.01.2018, while he was driving the bus belonging to the 4th respondent Corporation, he was involved in an accident.

2. According to the petitioner, thereafter, he was not allotted to any duty from 02.01.2018 and in that regard, representations appear to have been submitted by him on 03.01.2018 and 04.01.2018. He was also placed under suspension vide order dated 02.01.2018. Thereafter, charge memo was issued on 06.03.2018 and after conclusion of enquiry final order was passed on 27.04.2019 imposing punishment of stoppage of increment.

3. According to the averments in the affidavit filed in support of the Writ Petition, the petitioner was also issued with another charge memo dated 25.05.2018, which was challenged before the Madurai Bench of the Madras High Court in W.P.(MD) No.20297 of 2018.

4. The petitioner, on the whole, has come up with incoherent facts, jumbled up averments and no cohesive legal case could be made out to entertain the Writ Petition. What little this Court make out is that the petitioner has approached the labour Authority for proper adjudication of issue under Section 10(1) of the Industrial Disputes Act, 1947 and the same was returned by the authority stating that he may raise a dispute under Section 2(k) of the Industrial Disputes Act in respect of the grievance projected by him before the authority. Challenging the same, the petitioner is before this Court.

5. This Court is unable to countenance the challenge for the simple reason that the authority has rightly returned the application filed by the petitioner and advised him to approach the proper authority for raising a industrial dispute in the matter. Even otherwise, this Court, despite its best efforts to find out any legally acceptable grievance, could not come to any conclusion in view of the unconnected averments loosely sprinkled in the affidavit.

6. It is unfortunate that neither the petitioner nor his counsel has taken any minimum care to present the case coherently enabling this Court to understand the grievance of the petitioner. But in this case, the facts have been presented so recklessly and irresponsibly, no amount of effort to fathom



out the challenge has been successful.

7. In the absence of disclosure of proper cause of action in the Writ Petition, the same cannot be entertained and hence, is dismissed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government
The State of Tamil Nadu
Labour and Employment Development Department
Secretariat Chennai-600 009
- 2 The Labour Commissioner
Commissionerate of Labour DMS Campus
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- 3 The Assistant Labour Commissioner
The Office of the Assistant Labour
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- 4 The Managing Director
The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd
Head Office New Railway Station Road
Kumbakonam-612 001.

+1cc to Government Pleader SR.No.5616

W.P.No.1189 of 2022

GPL(CO)

GMV(21/02/2022)