

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.03.2022

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.17745 of 2011

and

M.P.No.1 of 2011

Tamil Nadu State Transport Corporation

(Villupuram) Ltd.,

Rep.by its Managing Director,

No.3/137, Salamedu,

Villupuram - 605 602.

.. Petitioner

Vs.

1. The Presiding Officer,  
Labour Court, Cuddalore.

2. R.Rajendiran

.. Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records of the 1<sup>st</sup> respondent in I.D.No.89/2007 dated 15.07.2010 and quash the same.

For Petitioner : Mr.G.Saravanakumar

For Respondents : R1 - Court  
R2 - No appearance

ORDER

The second respondent was appointed as a permanent driver in the petitioner Corporation on 01.03.1989. On a set of charges that the second respondent had unauthorisedly absented himself from 06.08.1996 to 26.08.1996 and even thereafter, he had not reported for duty, an enquiry was conducted and the charges against him were held to be proved. This resulted in the dismissal order dated 14.02.1997. The second respondent had thereafter raised a dispute in I.D.No.89 of 2007 before the Labour Court and by an Award dated 15.07.2020, the petitioner Corporation was directed to reinstate him with continuity of

service, but without backwages. The Award is put under challenge in the present writ petition.

2. The learned counsel for the petitioner submitted that after the dismissal order, the second respondent had raised a dispute after 9 years and therefore, the Industrial Dispute ought to have been dismissed on the ground of laches. Apart from this ground, no other grounds were raised.

3. Insofar as the ground raised by the petitioner is concerned, the Labour Court had taken note of this objection which was raised before it and while considering the laches of 9 years in raising the dispute, had denied the backwages, which is evidenced in Paragraph No.12 of the Award. This Court is in approval of such a finding. Since the laches in raising the dispute has been dealt with, no further interference is required on the same ground raised in the present writ petition.

4. Accordingly, I do not find any merits in the present writ petition. Hence the writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Pns

To

The Presiding Officer,  
Labour Court, Cuddalore.

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VBM(CO)  
SU(05/04/2022)