



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

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THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30129 of 2004
and W.P.M.P.No.36583 of 2004

V.G.Manikandan ... Petitioner

Vs.

1.The Management.

The Tamil Nadu Government
Transport Corporation, Vazhudharetty Post,
Villupuram.

2.The Presiding Officer,

Labour Court, Cuddalore.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed in I.D.No.25 of 1999 dated 12.08.2004 on the file of the second respondent and quash the same and consequently, direct the first respondent to pay all the back wages and attendant benefits with continuity of service to the petitioner.

For Petitioner :Mr.L.Chandrakumar

For Respondent :R1 - Mr.G.Saravana Kumar
R2 - Court

ORDER

The petitioner herein was originally selected on 26.12.1997 for the post of Driver and after undergoing the required training, he was appointed on 08.02.1998. After serving for about 43 days, he was terminated from service on 17.03.1998. Effectively, the petitioner herein had put in 43 days of service. When he had raised the dispute in I.D.No.25 of 1999, the Labour Court had rejected the dispute on the ground that since the petitioner herein had not put in 240 days of service as required under Section 25B of the Industrial Disputes Act, the dispute cannot be maintained.



2. The fact that the petitioner had only served for 43 days is not in dispute. Pending the Industrial Dispute, the petitioner was reinstated back into service from 04.06.2001 and it is stated that the petitioner is still continuing in service. As such, I do not find any infirmity in the order of the Labour Court for the purpose of maintaining the Industrial Dispute.

Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1.The Management.

The Tamil Nadu Government
Transport Corporation, Vazhudharetty Post,
Villupuram.

2.The Presiding Officer,

Labour Court, Cuddalore.

+lcc to Mr.G.Saravana Kumar, Advocate Sr.13432

+lcc to Mr.L.Chandrakumar, Advocate Sr.13862

W.P.No.30129 of 2004

rmt[co]

srg 24/03/2022