



WEB COPY

W.P.No. 11998 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.11998 of 2019

and

W.M.P.No. 12255 of 2019

P. Janakiraman

... Petitioner

Vs

1. The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram) Ltd.,
3/137, Salamedu,
Villupuram.

2. The General Manager,
Tamilnadu State Transport Corporation,
(Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore – 9.

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, after calling for the records pertaining to the order dated 21.02.2019 issued by the second respondent in Memo No. 145009/Sa4/TNSTC(V)Ltd/Va.MA./2016, quash the same and consequently direct the respondents to restore the petitioner pay with all consequential benefits and also to refund the amount deducted form the petitioner March 2019, award costs.



For Petitioner : Mrs. V. Porkodi
for Mr. V. Ajoy Khose

For Respondents : Mr. M. Aswin
for respondents 1 and 2

ORDER

The order of punishment is sought to be quashed in the present writ petition.

2. The petitioner is a workman serving in the Tamil Nadu State Transport Corporation. Service conditions of the writ petitioner are governed under the Industrial Disputes Act and therefore, the petitioner has to exhaust the remedy under the Industrial Disputes Act by approaching the competent Labour Court. The principles in this regard are settled by this Court in the case of ***R. Muthukrishnan vs The Tamil Nadu State Transport Corporation (Kumbakonam) Limited, dated 06.07.2021.***

3. Disputed issues cannot be adjudicated in a writ proceedings. More so, the alternate remedy contemplated under the Industrial Disputes Act is an efficacious one and Labour Court being a judicial forum, High Court cannot dispense with the alternate remedy in a routine manner. Thus the petitioner is at liberty to approach the Labour Court for adjudication of



disputed issues with reference to the documents and evidences available on records. In the event of any such approach, the Labour Court concerned shall take into consideration the period during which the writ petition was pending before this Court for the purpose of condoning the delay and adjudicate the issues on merits and in accordance with law as expeditiously as possible. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.12.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Managing Director,
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(Villupuram) Ltd.,
3/137, Salamedu,
Villupuram.
2. The General Manager,
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S.M.SUBRAMANIAM, J.

mrn

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