



W.P.No.37001 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.37001 of 2016
and W.M.P.No.31816 of 2016

R.Chinnaraju

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
12 Ramakrishna Road, Salem.

2.The General Manager,
Tamil Nadu State Transport Corporation,
12 Ramakrishna Road,
Salem.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records connected with the order dated 28.4.2008 of the 1st respondent passed on appeal in Proc.A374-35-12420-D2-TNSTC-2008 confirming the original orders dated 18.9.1999 of the 1st respondent passed in Proceedings No.35/12420/D2/ TNSTC/99 imposing a penalty of stoppage of increment for 3 years with cumulative effect, quash both the orders and direct the respondents 1 & 2 to grant all the service entitlements arising thereof.



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For Petitioner : Ms.S.Girija

For Respondents : Mr.R.Babu

ORDER

The punishment of stoppage of increment for three years with cumulative effect issued in proceedings dated 18.09.1999, is under challenge in the present writ petition.

2.The petitioner is a retired Conductor and is challenging the punishment after a lapse of four years from the date of retirement. The punishment was imposed in proceedings dated 18.09.1999 and the writ petition was filed in the year 2016, after a lapse of about seventeen years from the date of passing the order of punishment. Thus, the writ petition itself is liable to be rejected on the ground of laches. That apart, the petitioner was holding the post of Conductor and his service conditions are governed under 12(3) settlement of the Industrial Disputes Act and therefore, the petitioner has to exhaust the alternate remedy contemplated under the Industrial Disputes Act by approaching the competent Labour Court. However, in the present writ petition, the order punishment was issued in the year



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1999 and the petitioner filed the present writ petition after a lapse of about seventeen years from the date of passing the order of punishment, more so, after a lapse of four years from the date of retirement. Thus, the writ petition is not entertainable and accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

25.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes / No
ssr

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
12 Ramakrishna Road,
Salem.

2.The General Manager,
Tamil Nadu State Transport Corporation,
12 Ramakrishna Road,
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S.M.SUBRAMANIAM, J.

SSR

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