



WEB COPY



W.P.Nos.15082 of 2018 & 31099 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.15082 of 2018 & 31099 of 2017

and

W.M.P.No.34104 of 2017

K.Rajapandian ... Petitioner in both the Writ Petitions

-Vs-

M/s. State Express Transport Corporation Ltd.
Rep. by its Managing Director
No.2, Pallavan Salai,
Chennai- 600 002. ... Respondent in both the Writ Petitions

Prayer in W.P.No.15082 of 2018: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to include my name in the panel for promotion of Assistant Manager (Technical) considering the clause 3 of 18 (1) settlement and G.O.ms. No.13, Transport (C1) Department, dated 14.01.2000.

Prayer in W.P.No.31099 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records of the respondent in letter No.037947/HR5/SETC/2015 dated 28.01.2017 and quash the same and consequently direct the respondent for deemed promotion to the petitioner as Selection Grade Assistant Engineer with effect from 01.02.2010 in pursuant to the



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Government order in G.O.Ms.No.13, Transport (C1) Department, dated 14.01.2000, and clause 3 of 18(1) settlement dated 21.08.2015.

For Petitioner
in both the Writ Petitions : Mr.D.Soundar Raj

For Respondent
in both the Writ Petitions : Mr.K.Karthireshan

COMMON ORDER

The petitioner seeks promotion to the post of Assistant Manager (Technical), based on the clause 18(1) settlement entered into between the respondent Management and the individual.

2. The learned counsel for the petitioner states that the Government order issued in G.O.Ms.No.13, Transport Department, dated 14.01.2000, is also relied upon for the purpose of securing promotion by the petitioner. The petitioner further states that his promotion conditions are coming under clause 18(1) settlement under the Industrial Disputes Act. While so, the petitioner has to approach the competent Labour Court for adjudication of the disputed issues.

3. The said disputed issues cannot be adjudicated in a writ



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proceeding under Article 226 of the Constitution of India and it is to be done with reference to the original documents and the evidence. Once the employee is governed under settlement under the Industrial Disputes Act, then he has to exhaust the remedy contemplated under the Industrial Disputes Act by approaching the competent Labour Court for adjudication of the issues.

4. This being the principles to be followed, the petitioner is at liberty to approach the competent forum for the purpose of redressing his grievances. In the event of any such approach, the period during which the writ petitions were pending before this Court, is to be taken into consideration for the purpose of condoning the delay and the issues sought is to be adjudicated on merits and in accordance with law as expeditiously as possible.

5. With these directions, these writ petitions stand **disposed of**. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.11.2022

Index : Yes



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*Speaking order
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S.M.SUBRAMANIAM.J.,

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To

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Rep. by its Managing Director
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