



WEB COPY



Order dated : 11.07.2022
Writ Petition No.29239 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.29239 of 2014

P.Natarajan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Division - 1,
Salem - 636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Salem Division,
Salem - 636 007.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records connected with the order of discharge dated 04.10.1994 passed by the second respondent in Proc.No.E4/19509/STC/1994 and also the consequential order dated 18.02.1995 passed by the second respondent in Proc.No.E1/2235/STC/1995 insofar it relates to the appointment of the petitioner as fresh entrant in the post of Helper, quash the above referred proceedings and also direct the respondent to consider and provide the petitioner with permanent alternative employment -



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in the cadre equal to his original post of Driver - with continuity of service, pay protection and all other attendant benefits as per Section 47 of the Persons with Disabilities (Equal Opportunities Protection of Right and Full Participation) Act, 1995.

For Petitioner : Ms.S.Girija
For Respondents : Mr.R.Babu

ORDER

The order of discharge dated 04.10.1994 passed by second respondent and the consequential order dated 18.02.1995 are under challenge in the present writ petition.

2. The petitioner joined as a driver on 01.04.1985 in the respondents Transport Corporation. He was found medically unfit to perform the duties and responsibilities attached to the post of driver and hence, he was referred to the Medical Board. As per the report of the Medical Board, the petitioner was discharged from service. He was subsequently provided with a light duty on compassionate grounds.

3. The impugned orders were passed in the years 1994 and 1995 and the



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present writ petition was filed on 06.11.2014 after a lapse of about 19 years from the date of passing of the impugned orders. That apart, as the petitioner was a workman, his service conditions are governed under section 12(3) settlement of the Industrial Disputes Act. Therefore, he has exhausted the remedy contemplated under the Industrial Disputes Act by approaching the competent Labour Court. In case of disputed issues, adjudication with reference to documents and evidences is imminent. In the present case, the petitioner has filed the writ petition, more so, after a lapse of 19 years from the date of passing of the impugned order.

Therefore, this writ petition stands dismissed on the ground of laches.

No costs.

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Index : Yes
Speaking / Non Speaking order
gm

S.M.SUBRAMANIAM., J



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