



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.4340 of 2021

W.M.P (MD) .No3529 of 2021

Satheesh Kumar

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region, Managri (PO),
Maruthupathi, Karaikudi,
Sivagangai District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order of the respondent in Ref:TNSTC/TS/T5/191/18 dated 17.06.2019, quash the same as illegal.

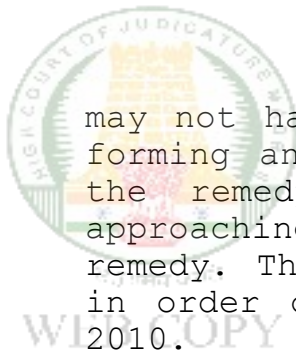
For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.D.Sivaraman

O R D E R

This Writ Petition has been filed to call for the records pertaining to the impugned order of the respondent in Ref:TNSTC/TS/T5/191/18 dated 17.06.2019 and quash the same as illegal.

2. The petitioner is working as Conductor and a workman within the meaning of Industrial Disputes Act. The service conditions of the workman are governed under 12(3) settlement of the Industrial Disputes Act. Therefore, the petitioner has to exhaust the remedy contemplated under the Act. Adjudication of such disputed issues is to be made before the Competent Labour Court. When the Labour Court is vested with the jurisdiction to adjudicate the issues in connection with the workmen, the High Court need not entertain the writ petition for such adjudication as the High Court



may not have the benefit of original documents for the purpose of forming an opinion. Therefore, the petitioner is bound to exhaust the remedy contemplated under the Industrial Disputes Act by approaching the Competent Labour Court which is an efficacious remedy. The principles in this regard are considered by this Court in order dated 25.07.2019 in W.P(MD).Nos.10416 of 2009 & 2926 of 2010.

3. The views pointed out in the regard are confirmed by the Hon'ble Division Bench of this Court in W.A(MD).No.1088 of 2021 dated 30.07.2021. In view of the facts and circumstances, the petitioner is at liberty to approach the Labour Court for the purpose of re-dressal of his grievances if any. In the event of any such approach, the period during which the writ petition is pending before this Court is to be taken into consideration for the purpose of condoning the delay if any and the issues are to be adjudicated on merits and in accordance with law as expeditiously as possible.

4. With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS I)

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/ /2022

Sub Assistant Registrar(CS)

To

The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region, Managri (PO),
Maruthupathi, Karaikudi,
Sivagangai District.

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-18664[F] dated 13/04/2022)

W.P. (MD) No.4340 of 2021

11.04.2022

MK/27.04.2022/2P/3C