



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5190 of 2021

N.Paulraj

... Petitioner

vs.

The General Manager
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited
Karaikudi Region
Maruthupathi, Managiri
Karaikudi-630 307

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent herein to forthwith reinstate the petitioner and to disburse the arrears of salary and other benefits w.e.f. 01.05.2021 based on the representation submitted by the petitioner on 29.01.2021.

For Petitioner : Ms.Amala.A.

For Respondent : Mr.D.Sivaraman, Standing Counsel

O R D E R

The relief sought for in this writ petition is to direct the respondent to forthwith reinstate the petitioner into service and disburse the arrears of salary and other benefits with effect from 01.05.2012.

2. The petitioner states that he was appointed as Driver in the respondent Transport Corporation on 17.06.1992 and he was promoted as Senior Driver on 01.04.1993. Based on certain allegations with regard to furnishing of bogus educational certificates, departmental disciplinary proceedings were initiated and the petitioner was dismissed from service on 21.05.2012. However, the said order has not been challenged by the petitioner. Contrarily, he has filed this writ petition on 05.03.2021 seeking a direction to the respondent to reinstate him into service. However, the fact remains that the petitioner was dismissed from service during 2012 and without challenging the said order of dismissal from service, he has filed this writ petition after a lapse of nine years. Thus, the relief as such sought for is untenable and further in order to coverup the delay in challenging the dismissal order, the present writ petition has been filed. Such approach of the litigants at no circumstances be encouraged by the Courts. Aggrieved person has to challenge the order of dismissal from service within a reasonable period, contrarily, after a lapse of nine years from the date of dismissal from service, the petitioner



has filed this writ petition seeking reinstatement into service.

3. This apart, the petitioner is a workman and his service conditions are governed under the settlement made under Rule 12(3) of the Industrial Disputes Act, 1947 (for brevity "the Act"). Therefore, he has to approach the competent Labour Court for appropriate relief. When efficacious alternate under the Act is made available to the workman, a writ petition cannot be entertained directly for adjudication of such disputed facts. Therefore, the writ petition is not maintainable and the petitioner has also not challenged the order of dismissal from service of the year 2012 and for all these reasons, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Krk

+1 CC to M/s.A. AMALA, Advocate (SR-18545[F] dated 13/04/2022)

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-18670[F] dated 13/04/2022)

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