



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.6589 of 2020

WEB COPY

K.Kathiresan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corp (KMB) Ltd.,
New Railway Station Road
Kumbakonam 612 001.

2.The General Manager,
Tamil Nadu State Transport Corpn (KMB) Ltd.,
Karaikudi Region,
Mardhupatti, Managiri Post,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondents to disburse the petitioner's salary for the period from 02.03.2020 to 31.05.2020 (3 months) within the time frame fixed by this Court.

For Petitioner : Mr.M.Fernand for Mr.K.Gokul
For Respondents : Mr.P.Balasubramanian

ORDER

The relief sought for in the present writ petition is to direct the respondents to disburse the petitioner's salary for the period from 02.03.2020 to 31.05.2020.

2. The petitioner was appointed as Conductor and he was placed under suspension on initiation of departmental disciplinary proceedings for the allegation of misappropriation of funds of the respondent Corporation.

3. The learned counsel for the petitioner states that though the petitioner was placed under suspension, thereafter, the salary dues are not settled. Thus, the petitioner is constrained to move the present writ petition.

4. The learned counsel for the respondents made a submission that the petitioner remained absent and not reported to duty. Further action was taken for unauthorized absence also. Charge against misappropriation also enquired into and the said departmental proceedings ended with an order of dismissal from service with effect from 30.06.2019.



5. The mere contention of the petitioner that he was not permitted to join duty is incorrect, as the petitioner was already dismissed from service on 30.06.2019. If at all the petitioner is aggrieved, he has to approach the competent labour Court of law under the Industrial Disputes Act for the purpose of adjudication of issues. The petitioner was holding the post of Conductor and therefore, he is a workman and thus, for redressing the grievances, he has to approach the competent labour Court.

6. With this observation, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

RR

To

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MGJ(21.04.2022) 2P 3C