



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.04.2022

CORAM:

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

W.P. (MD)No.9193 of 2021

and WMP (MD) No.6926/2021

WEB COPY

S.Veeramanikandan

... Petitioner

Vs.

The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pillai Thaneer Pandhal
Thirumayam Road
Pudukottai

... Respondent

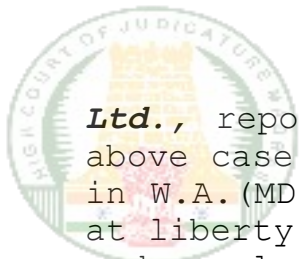
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondent to reinstate the petitioner with continuity of service, backwages and all other attendant benefits as per the order dated 05.03.2021 of the special deputy commissioner of Labour, Chennai passed under Section 33(2) (b) of I.D. Act in Approval Application A.P.No.96/2019.

For Petitioner : Mr.G.M.Xavier
For Respondents : No appearance

ORDER

The order of dismissal from service issued by the respondent General Manager, Tamilnadu State Transport Corporation, Kumbakonam Limited is under challenge in the present writ petition.

2.Admittedly, the petitioner was working as a Conductor and a disciplinary proceedings was initiated against him and subsequently he was dismissed from service vide proceedings dated 29.06.2019. The Conductor in Transport corporation is a workman and their service conditions are governed under Section 12(3) settlement of the Industrial Disputes Act. Therefore, the petitioner has to approach the competent labour Court for the purpose of adjudication of the disputed issues. When the Industrial Disputes Act contemplates an efficacious remedy, which is a judicial forum, then no writ petition needs to be entertained under Article 226 of the Constitution of India. Thus, the petitioner has to exhaust the remedy provided under the Industrial Disputes Act by approaching the jurisdictional labour Court in this regard. The principles in this regard are elaborately considered by this Court in the case of ***P.Muthukrishnan v. the Management of Tamil Nadu State Transport Corporation, Madurai***



Ltd., reported in **2019 (4) LLJ 152 Madras**. The principles in the above case was confirmed by the Hon'ble Division Bench of this Court in W.A.(MD) No.1088/2021 dated 30.07.2021. Thus, the petitioner is at liberty to approach the competent labour Court for the purpose of redressal of his grievance. In the event of any such approach by the petitioner, 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 decided on merits and in accordance with law as expeditiously as possible.

3. With the above observation, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pillai Thaneer Pandhal
Thirumayam Road
Pudukottai

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-16992[F] dated 06/04/2022)

W.P. (MD)No.9193 of 2021

06.04.2022

RD(20.04.2022) 2P 3C