



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.06.2022**

**CORAM**

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

**W.P. (MD) .No.10528 of 2019**

**and**

**W.M.P. (MD) .Nos.8068 and 8069 of 2019**

**WEB COPY**

R.Sathees Kumar

... Petitioner

**Vs.**

1.The Managing Director,  
Head Office,  
Tamil Nadu State Transport Corporation  
(Coimbatore) Limited,  
37, Mettupalayam Road,  
Coimbatore.

2.The General Manager,  
Tamil Nadu State Transport Corporation  
(Coimbatore) Limited,  
Erode Region,  
45, Chennimalai Road,  
Erode - 638 001.

3.The Branch Manager,  
Tamil Nadu State Transport Corporation  
(Coimbatore) Limited,  
Erode Region,  
Karur Branch,  
Karur District - 639 001.

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent Pa.No.797/1/D4/646/law/TNSTC/ED/2018 dated 04.03.2019 and the consequential order passed by the first respondent in Pa.No.1210/D4/646/MD/REOR/TNSTC/CBE/2019 dated 27.03.2019 and quash the same and with a consequential direction directing the respondents to reinstate the petitioner into service with backwages and continuity of service.

|                 |   |                                                     |
|-----------------|---|-----------------------------------------------------|
| For Petitioner  | : | Mrs.Porkodi Karnan<br>for M/s.Polax Legal Solutions |
| For Respondents | : | Mr.K.Sathiya Singh,<br>Standing Counsel.            |



**ORDER**

As against the impugned order of punishment by the second respondent dated 04.03.2019, as confirmed by the first respondent herein on 27.03.2019, the proper remedy open to the petitioner is to invoke the provisions of Section 2A of the Industrial Disputes Act, 1947 by raising an industrial dispute. As such, the present Writ Petition under Article 226 of the Constitution of India may not be appropriate.

2. It is further seen that after the passing of the confirmed impugned order of punishment dated 27.03.2019, the petitioner herein had preferred this Writ Petition on 26.04.2019 itself. As such, if the petitioner is granted liberty to raise an industrial dispute within a period of thirty (30) days from the date of receipt of a copy of this order, the ends of justice could be secured.

3. Accordingly, the Writ Petition stands closed with liberty to the petitioner to challenge the impugned orders of punishment by raising an industrial dispute before the appropriate Labour Court under Section 2A of the said Act within a period of thirty (30) days from the date of receipt of a copy of this order. Registry is directed to return the original impugned orders to the petitioner. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

**TO:-**

The Section Officer,  
E.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate ( SR-24442[F]  
dated 07/06/2022 )

+1 CC to M/s.K.SATHIYA SINGH, Advocate ( SR-24636[F]  
dated 08/06/2022 )

**W.P. (MD) .No.10528 of 2019  
07.06.2022**