



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.04.2022

CORAM:

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

W.P. (MD)No.14563 of 2019

W.M.P. (MD) No.11018 of 2019

WEB COPY

S.P.Ponnusami

... Petitioner
Vs.

1.The General Manager,
Tamilnadu State Transport Corporation
Virudhunagar Region,
Virudhunagar District.

2.The Branch Manager,
Tamilnadu State Transport Corporation,
Rajapalayam Branch Office,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records and quash the proceedings in impugned order Law/sa3/4150/7B/19 dated 17.04.2019 (served on 10.06.2019) passed by the 1st respondent and consequently direct the respondents to allow the petitioner to retire on 30.06.2019 with arrears and all other terminal and monetary benefits including pension to him.

For Petitioner	: Mr.P.Krishnasamy
For Respondents	: Mr.J.Senthilkumaraiah

ORDER

The order of punishment dated 17.04.2019 imposing a punishment of reduction of basic pay by one stage is under challenge in the present writ petition.

2. The petitioner admittedly was working as Conductor and during the pendency of the writ petition retired from service on attaining the age of superannuation. The disciplinary proceedings were initiated against the writ petitioner, which was ended with an order of punishment in proceedings dated 17.04.2019. The petitioner is a workmen within the meaning of the Industrial Disputes Act and his services are governed under the 12(3) of the Industrial Settlement Act. Thus, the petitioner has to approach the competent labour Court for appropriate remedy. High Court cannot conduct a roving enquiry in respect of such disputed issues between the parties, which is to be done only by scrutinizing the original documents and evidences on record. The principles in this regard are 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.

3. In view of above, the petitioner is at liberty to approach the labour Court and in the event of approaching the labour Court, the competent Court shall take into account the period during which the writ petition was pending before this Court for the purpose of condoning the delay and decide the issue on merits and in accordance with law as expeditiously as possible.

4. The writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (As)

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/ /2022

Sub Assistant Registrar(CS)

RR

W.P. (MD)No.14563 of 2019

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MGJ(28.04.2022) 2P 1C