



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5960 of 2019

S.Suresh

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam-612 001.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi-630 307.
- 3.M.Gunaseelan,
Domestic Enquiry Officer,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi-630 307.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to change the third respondent from conducting domestic enquiry based on the petitioner's representation dated 24.05.2018.

For Petitioner : Mr.S.P.Vijay Nivas

For Respondents : Mr.D.Sivaraman

O R D E R

The grievance of the petitioner is that the Enquiry Officer is not formally conducting an enquiry in respect of disciplinary proceedings.



2. The petitioner is working as Conductor and a workman within the meaning of Industrial Disputes Act. The service conditions of the workman are governed under 12(3) settlement of the Industrial Disputes Act. Therefore, the petitioner has to exhaust the remedy contemplated under the Act. Adjudication of such disputed issues is to be made before the Competent Labour Court. When the Labour Court is vested with the jurisdiction to adjudicate the issues in connection with the workmen, the High Court need not entertain the writ petition for such adjudication as the High Court may not have the benefit of original documents for the purpose of forming an opinion. Therefore, the petitioner is bound to exhaust the remedy contemplated under the Industrial Disputes Act by approaching the Competent Labour Court which is an efficacious remedy. The principles in this regard are considered by this Court in order dated 25.07.2019 in W.P(MD).Nos.10416 of 2009 & 2926 of 2010.

3. The views pointed out in the regard are confirmed by the Hon'ble Division Bench of this Court in W.A(MD).No.1088 of 2021 dated 30.07.2021. In view of the facts and circumstances, the petitioner is at liberty to approach the Labour Court for the purpose of re-dressal of his grievances if any. In the event of any such approach, 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 adjudicated on merits and in accordance with law as expeditiously as possible.

4. With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar(CS)

ssb

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-18328[F] dated 12/04/2022)

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MGJ(26.04.2022) 2P 2C