



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.8843 of 2019

S.Muruganantham

... Petitioner

Vs.

1.The Management

of Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director
Kumbakonam.

2.The General Manager,

Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karur Region,
Karur.

3.The Administrator

Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 2nd respondent in No.Th.a.po.ka / Kumba / Karur / DS / D1 / 2737 / 2015 dated 23/11/2016 imposing the punishment of depromoting the petitioner from the post of Selection grade Conductor to Senior Grade conductor reducing him in rank by 2 stages for 2 years with cumulative effect as confirmed by the 1st respondent by his order dated 14.11.2018 passed in Ref.No.TNSTC/KUM/TRY/,DS/SMI/15964/2018, quash the same and direct the second respondent to revert the petitioner back to the original position of Selection Grade Conductor so as to enable him to receive the salary, pension and other terminal benefits applicable for the Selection Grade Conductor in his seniority.

For Petitioner

:

Mr.A.Rahul

For Respondents

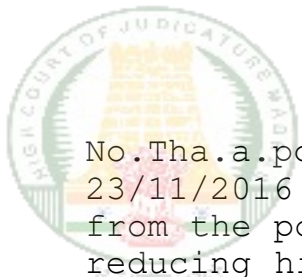
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Mr.D.Sivaraman

O R D E R

This Writ Petition has been filed to call for the records pertaining to the order passed by the 2nd respondent in

<https://hcservices.ecourts.gov.in/hcservices/>



No.Th.a.po.ka / kumba / karur / DS / D1 / 2737 / 2015 dated 23/11/2016 imposing the punishment of de-promoting the petitioner from the post of Selection grade Conductor to Senior Grade conductor reducing him in rank by 2 stages for 2 years with cumulative effect as confirmed by the 1st respondent by his order dated 14.11.2018 passed in Ref.No.TNSTC/KUM/TRY/DS/SMI/15964/2018, quash the same and direct the second respondent to revert the petitioner back to the original position of Selection Grade Conductor so as to enable him to receive the salary, pension and other terminal benefits applicable for the Selection Grade Conductor in his seniority.

2. The petitioner was working as Senior Grade 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 workman, 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 (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Ssb

To

1.The Management
of Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karur Region,
Karur.

3.The Administrator
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-18318[F] dated 12/04/2022)

+1 CC to M/s.A. RAHUL, Advocate (SR-18340[F] dated 12/04/2022)

W.P. (MD) No.8843 of 2019

11.04.2022

KMV (CO)

KB(28.04.2022) 3P 6C