



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.15857 of 2021

and

W.M.P.(MD) No.12772 of 2021 and 2796 of 2022

G.Sudar

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation Tirunelveli Limited,
Tirunelveli.
2. The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli Division,
Tirunelveli.
3. The Branch Manager,
Tamil Nadu State Transport Corporation (Thili) (Va.Thu),
Papanasam Branch,
1/10, Pothigaiyadi,
Tirunelveli - 627 425.
4. The Branch Manager,
Tamil Nadu State Transport Corporation (Thili) (Va.Thu),
Kattabooman Nagar Branch,
Thoothukudi Road,
Tirunelveli - 627 011.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the impugned order of transfer dated 18.08.2021, passed by the 2nd respondent herein, under proceedings A.Aa.No.7501/Niya5/ Tha.A.Po.Ka/Thili/2021 and its consequential relieving order passed by the 3rd respondent under proceeding No.00/3/Papa/Tha.A.Po.Ka/Thili/ 2021-1, dated 19.08.2021, both pertaining to transferring the petitioner from the 3rd respondent branch to 4th respondent branch and to quash both the said impugned orders as illegal.

For Petitioner

: Mr.K.R.Laxman

For Respondents

: Mr.R.Raja Mohan



O R D E R

The order of transfer transferring the writ petitioner from Papanasam Branch to Kattabomman Nagar is under challenge in the present writ petition.

2. The petitioner is a workman and his service conditions are governed under Section 12(3) of the Industrial Disputes Act. Thus, an efficacious remedy is contemplated under the Industrial Disputes Act and the petitioner has to approach the competent Labour Court for adjudication of the dispute. When an alternate remedy is available under the Special Act, ie., Industrial Disputes Act, only after exhausting the remedies, the High Court has to entertain a writ petition. However, the practice of dispensing with the statutory remedy before the judicial forum need not be entertained and therefore, the petitioner has to approach the Labour Court, for redressal of his grievance. The principles in this regard are settled by this Court in the case of ***P.Muthukrishnan and Others vs. Management of Tamil Nadu State Transport Corporation (Madurai) Ltd. [W.P (MD) .Nos.10416 of 2009 & 2926 of 2010, dated 25.07.2019]***. The principles laid down are affirmed by the Hon'ble Division Bench of this Court. This being the factum, the petitioner is at liberty to approach the competent Labour Court for the purpose of adjudication of issues in the manner known to law. In the event of any such approach, the Labour Court shall consider the period during which the writ petition was pending before this Court for the purpose of condoning the delay, if any, and adjudicate the issue on merits and in accordance with law, as expeditiously as possible.

3. The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

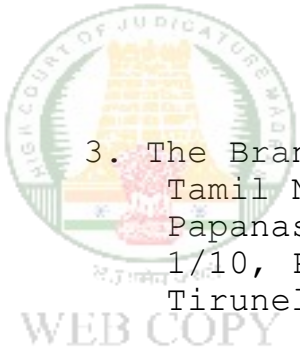
MPK

To

1. The Managing Director,
Tamil Nadu State Transport Corporation Tirunelveli Limited,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli.

<https://hcservices.tn.gov.in/tose/vices>



3. The Branch Manager,
Tamil Nadu State Transport Corporation (Thili) (Va.Thu),
Papanasam Branch,
1/10, Pothigaiyadi,
Tirunelveli - 627 425.

4. The Branch Manager,
Tamil Nadu State Transport Corporation (Thili) (Va.Thu),
Kattabooman Nagar Branch,
Thoothukudi Road,
Tirunelveli - 627 011.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-14144[F] dated 24/03/2022)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-14668[F] dated 25/03/2022)

W.P.(MD) No.15857 of 2021
23.03.2022

RK(01/04/2022) 3P 7C