



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.16990 of 2021 and
W.M.P.(MD) Nos.13914 & 13915 of 2021

D.Baskar

... Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep. by its Secretary, Transport Department,
Secretariat, Chennai-600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam-612 001, Thanjavur District.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Periyamilagu Parai,
Thiruchirappalli District.

4. The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Trichy Mofussil Branch,
Thiruchirappalli.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent pertaining to its order bearing No.த.அபோக/கும்ப/திருச்சி/டி6/2038/2017 dated 22.02.2018 and consequential order of the 2nd respondent in bearing No.த.அபோக/கும்ப/திருச்சி/டி6/2038/2017 dated 22.05.2019 and to quash the same and consequently direct the respondents to pass order to confirm the petitioner on the due date of completing the service period as per prevailing common service rules and to grant all other attendant and monetary benefits and arrears of salary with interest at the rate of 18 percentage per annum.

For Petitioner : Ms.V.Sebastinal Preethi
for Mr.N.Sudhagar Nagaraj
For R1 : Mr.A.K.Manikkam,
Special Government Pleader



For RR2 to 4 : Mr.P.Balasubramanian,
Standing Counsel

O R D E R

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The petitioner is working as a Reserve Conductor in the Transport Corporation. The service conditions of the petitioner are governed under Section 12(3) settlement of the Industrial Disputes Act as well as the Standing Orders. Therefore, the petitioner has to exhaust the remedy provided under the Industrial Disputes Act, 1947. When the petitioner is having an efficacious judicial remedy before the Labour Court, the writ petition need not be entertained. Only after exhausting the remedy before the Labour Court, the petitioner may approach the High Court, but not otherwise. The principles in this regard were considered by this Court in W.P(MD). Nos.10416 of 2009 & 2926 of 2010, dated 25.07.2019. The principles in the said case have been affirmed by the Hon'ble First Bench of this Court in W.A.(MD) No.1088 of 2021 dated 30.07.2021. Thus, the petitioner is at liberty to approach the jurisdictional Labour Court for the purpose of redressal of his grievance. In the event of any such approach, the period during which the writ petition was pending before this Court is to be taken into consideration for the purpose of condoning the delay, if any, and the disputes are to be adjudicated on merits and in accordance with law as expeditiously as possible.

2.With the above observations, this Writ Petition stands dismissed. However, there shall be no orders as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1. The Secretary to Government,
The State of Tamil Nadu,
Transport Department,
Secretariat, Chennai-600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation

<https://hcservices.ecourts.gov.in/Kombakonam>) Ltd.,



Kumbakonam-612 001, Thanjavur District.

3. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Periyamilagu Parai,
Thiruchirappalli District.

4. The Branch Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Trichy Mofussil Branch,
Thiruchirappalli.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-14712[F] dated 25/03/2022)

+1 CC to M/s.SPL GP (SR-14506[F] dated 25/03/2022)

W.P. (MD) No.16990 of 2021
24.03.2022

SS (CO)
KB (04.04.2022) 3P 7C