



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2022

CORAM:

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

W.P. (MD)No.18669 of 2021

and WMP (MD) Nos.15383 and 15384 of 2021

N.M.Jeyakumar

... Petitioner

Vs.

1.The General Manager

Tamil Nadu State Transport Corporation
Bye Pass Road
Dindigul.

2.The Managing Director,

Tamil Nadu State Transport Corporation
Bye Pass Road
Madurai.

... 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 impugned proceedings in Paarvai LDIBD/1164 dated 20.08.2021 on the file of the 2nd respondent and to give periodic increment from the month of November 2019 and the consequent review (2nd review) supposed to be given on November 2021.

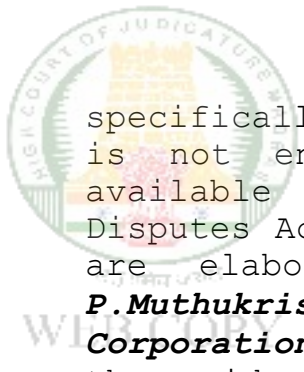
For Petitioner : Mr.S.Saji Bino

For Respondents : Mr.J.Senthil Kumaraiah

ORDER

The petitioner is working as a Driver in transport department. The service conditions of the workman are governed under the 12(3) settlement of the Industrial Disputes Act. Therefore, the petitioner has to approach the competent labour Court for the purpose of redressal of his grievance.

2. When an efficacious remedy is contemplated under the Industrial Disputes Act, which is a special Act for the workman, the said remedy is to be exhausted before approaching the High Court. When several writ petitions are filed challenging the orders of the labour Court, by way of writ petition before the high Court, it is not known why the workmen are directly approaching the high Court by way of writ petitions. Such adjudication in entertaining the writ petition is to be avoided. There must be a consistency in entertaining a writ petition in respect of labour matters more



specifically when workman approaches the high Court. A writ petition is not entertainable ordinarily, as an efficacious remedy is available to the workmen under the provisions of the Industrial Disputes Act before the labour Court. The principle in this regard are elaborately 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**. In the said judgment, this Court has elaborately considered various judgments of the Hon'ble Supreme Court of India and held that a workman has to approach the labour Court for redressal of their grievance as their service conditions are governed under the 12(3) settlement of the Industrial Disputes Act. The said views of this Court has been confirmed by the Hon'ble Division Bench of this Court in W.A.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.

3. 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 issue to be sorted out on merits and in accordance with law.

4. The writ petition stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Writ)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The General Manager
Tamil Nadu State Transport Corporation
Bye Pass Road
Dindigul.

2.The Managing Director,
Tamil Nadu State Transport Corporation
Bye Pass Road
Madurai.

W.P. (MD)No.18669 of 2021
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