



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2022**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.(MD)No.10174 of 2018

WEB COPY

Jothibasur

...Petitioner

/Vs./

The General Manager,
Tamilnadu State Transport Corporation (Madurai Limited),
Madurai Region,
Bye Pass Road,
Madurai 625016.

...Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the respondent in his proceedings in Ref.No.O.Na.thu D2/Pudur/DR/2872 dated 30.7.2016 and quash the same as illegal and consequently direct the respondent to refund the amount already recovered from the salary of the petitioner towards the punishment along with other attendant monetary benefits within the time stipulated by this Court.

For Petitioner : Mr.R.Suresh Kumar

For Respondent : Mr.J.Senthil Kumaraiah
Standing Counsel

ORDER

Mr.R.Suresh Kumar, learned counsel on record for the petitioner, requests that the petitioner be permitted to withdraw this writ petition with liberty to approach the Labour Court.

2.This submission is in line with the dictum of the decision of the Full Bench of this Court in the case of *P.Pitchumani vs. The Management of Sri Chakra Tyres Limited* (2004 (3) CTC 1) to the effect that the orders of dismissal, suspension and all others touching upon service conditions are best left to be decided by the statutory authority created under the respective enactments.

3.Acceding to the request made, this Writ Petition is dismissed as withdrawn. The petitioner is permitted to file a statutory appeal as against the order made dated 30.07.2016 before



the Labour Court and such appeal, if filed within a period of four weeks from today will be entertained by the Labour Court without reference to limitation, but subject to all other statutory requirements. No costs.

Sd/-

Assistant Registrar(CS-II)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The labour Court, Madurai.

2.The General Manager,
Tamilnadu State Transport Corporation (Madurai Limited),
Madurai Region, Bye Pass Road,
Madurai 625016.

Order made in
W.P. (MD) No.10174 of 2018

Dated: 28.01.2022

nsn(CO)

TR(09.02.2022) 2P 3C