



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.22299 of 2019

N.Govindaraj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Limited,
Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kum) Limited,
Regional Office,
Thirumayam Salai,
Pudukottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to treat the petitioner's absence of 53 days as medical leave instead of earned leave and disburse the earned leave salary of Rs.60,157/- within the time frame fixed by this Court.

For Petitioner : Mr.J.Sulaiman Basha
for Mr.K.Gokul

For Respondents : Mr.P.Balasubramanian

O R D E R

The relief sought for in the present writ petition is to direct the respondents to treat the petitioner's absence of 53 days as medical leave instead of earned leave and disburse the earned leave salary of Rs.60,157/- within the time frame fixed by this Honourable court.

2. The petitioner was appointed as Driver and he retired from service on 30.06.2016. With reference to the very same relief of treating the period of absence of 53 days as medical leave instead of earned leave, the petitioner filed I.D.No.8 of 2018 before the Labour Court, Tiruchirappalli. A copy of the petition has been



furnished before this Court by the learned counsel appearing for the respondent.

3. The learned counsel appearing for the respondent made a submission that the said I.D.No.8 of 2018 was dismissed on default by the Labour Court on 17.12.2019.

4. When the Industrial Dispute rightly raised by the petitioner was dismissed on default by the Labour Court, the petitioner has filed the present writ petition on 18.10.2019 even before the dismissal of I.D.No.8 of 2018. Thus, the writ petition was filed during the pendency of I.D.No.8 of 2018. It is a clear case of abuse of judicial process and an exemplary cost is to be awarded on the petitioner.

5. This Court is of the considered opinion that the conduct of litigants in abuse of judicial process at no circumstances be tolerated by the Courts. There are many such writ petitions filed on the very same relief either before the same Court or before the High Court itself. Considering the fact that the petitioner is a retired employee and he has acted based on some ill-advice, this Court is taking lenient view. However, if such attitudes or conducts are continued, the petitioners are liable to be prosecuted under appropriate law.

6. With these observations, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-21768[F] dated 27/04/2022)

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MGJ(12.05.2022) 2P 2C