



W.P.(MD)Nos.5480 & 5482 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.5480 & 5482 of 2019

M.Ravichandran ... Petitioner in
W.P.(MD)No.5480 of 2019

A.Ravichandran ... Petitioner in
W.P.(MD)No.5482 of 2019

Vs.

The Management,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam – Region,
Kumbakonam.

... Respondents in both the Petitions

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, after calling for the records relating to the impugned order, dated 15.09.2015 in I.A.No.384 of 2014 and 383 of 2014 respectively; and in unnumbered Industrial Dispute Case passed by the Labour Court, Cuddalore, quash the same and consequently to direct the Labour court, Cuddalore to enquire the case / claim statement, dated 28.07.2014



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filed by the petitioner relating to his right to reemployment in the respondent, after taking in to file and giving number to the same, within a time frame as may be fixed by this Court.

In both the Writ Petitions

For Petitioner : No appearance

For Respondent : Mr.D.Sivaraman
Standing Counsel

COMMON ORDER

Since the issue involved in both the Writ Petitions are similar in nature both the writ petitions are taken up together and disposed of by a common order.

2. These writ petitions are filed to quash the impugned order, dated 15.09.2015 in I.A.No.384 of 2014 and 383 of 2014 in unnumbered Industrial Dispute Case passed by the Labour Court, Cuddalore with a consequential direction to the Labour Court to interfere the case/claim settlement, dated 28.07.2014 filed by the petitioner.



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3. The contention of the respondent is that the petitioners were taken into service as Conductor under reserved /casual employee on temporary basis. The petitioners never and ever served in the respondent Corporation under permanent employment. These petitioners service was disengaged from service on 27.09.2009. The petitioners have raised an industrial dispute before the authorities on 20.08.2014, after lapse of five years. As per the new Act, the employee should file a petition within a period of five years and hence, the Labour has no power to condone the delay as well. Moreover, these petitioners have not raised any valid sustainable ground to entertain these Writ Petitions.

4. In view of the foregoing reasons, these Writ Petitions are dismissed. The impugned order, dated 15.09.2015 passed in I.A.No.384 of 2014 and 383 of 2014 in unnumbered Industrial Dispute Case, passed by the Labour Court, Cuddalore, is hereby confirmed. No Costs.

Index : Yes / No
Internet : Yes
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13.06.2023



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To

1. The Labour Court,
Cuddalore.
2. The Management,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam – Region,
Kumbakonam.



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S.SRIMATHY, J

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**Common Order made in
W.P.(MD)Nos.5480 & 5482 of 2019**

13.06.2023