



W.A(MD)No.1633 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

W.A(MD)No.1633 of 2024

and

CMP(MD)No.12750 of 2024

1. The Managing Director,
Tamilnadu State Transport Corporation
Kumbakonam Division,
Karaikudi,
Sivagangai District.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Karaikudi,
Sivagangai District.

... Appellants

vs.

V.Sivalingam

... Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 15.09.2022 made in W.P(MD)No.16283 of 2015.

For Appellants : Mr.A.Kannan
For Respondent : Mr.R.Senthil Kumar



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JUDGMENT

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

The learned counsel for the appellants / Transport Corporation would contend that the Writ Court was not right in entertaining the writ petition when an alternative remedy is available. Though he would threaten us that he will cite several judgments on the issue, we do not think we need to go into that, since the Writ Court has given valid reasons for not driving the petitioner in the writ petition to the Labour Court.

2. The writ petition was filed in the year 2015 challenging order passed on 30.10.2014. The writ petition was admitted and it was kept pending for almost 7 years and it came to be disposed of on 15.09.2022. By that time the writ petition was disposed of, the petitioner had even retired from service. Therefore, the Writ Court had felt that it would be too harsh to drive the petitioner to avail the alternative remedy. Moreover, the non exercise of jurisdiction under Article 226 of the Constitution on the ground of availability of alternative remedy is only a self-imposed restraint and it is not an absolute bar. This Court and the Hon'ble Supreme Court have repeatedly pointed out that the High Courts should not relegate the parties to alternative remedy after having entertained the writ petition and having kept it pending for a substantially long period. In the case on hand, we find that the writ petition has



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been entertained in 2015 and it has been disposed of only in 2022. Hence, we see no reason to interfere with the order of the learned Single Judge.

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3. The Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (S.M, J.)
24.09.2024

Index : Yes / No
Neutral Citation : Yes / No
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R.SUBRAMANIAN, J.
and
SUNDER MOHAN, J.

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JUDGMENT MADE IN
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