



W.P.(MD)No.2216 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.2216 of 2021

I.Kannan

: Petitioner

Vs.

1.The General Manager,
TNSTC – Nagercoil Region,
Tamil Nadu State Transport Corporation
(Tiurnelveli Division),
Ranithottam,
Nagercoil,
Kanyakumari District.

2.The Branch Manager,
Ranithottam – Branch II,
TNSTC – Nagercoil Region,
Nagercoil,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the communication



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Ka.No.Thani/EraTho2/Tha.A.Po.Ka./2020 dated 04.12.2020 issued by the second respondent and quash the same and consequently, direct the respondents to treat the eight days ie., 22.10.2020, 24.10.2020, 31.10.2020, 05.11.2020, 11.11.2020, 12.11.2020, 16.11.2020 and 19.11.2020 as duty period and grant the service and monetary benefits in accordance with law, within a time limit to be fixed by this Court.

For Petitioner : Mr.B.Karunanithi
for Mr.A.Thirumurthy
For Respondents : Mr.R.Rajamohan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned order dated 04.12.2020 passed by the second respondent rejecting the petitioner's request to treat the 8 days ie., 22.10.2020, 24.10.2020, 31.10.2020, 05.11.2020, 11.11.2020, 12.11.2020, 16.11.2020 and 19.11.2020 as duty period and grant the service and monetary benefits in accordance with law.

2.The petitioner claims that on the aforementioned dates, the petitioner reported for duty but despite the same, the



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respondents have treated the aforesaid dates as loss of pay for the petitioner, which according to the petitioner is arbitrary and illegal. Therefore, the petitioner made a representation to the second respondent to treat the aforesaid dates as duty period which has been rejected under the impugned order dated 04.12.2020 passed by the second respondent.

3.Counter affidavit has been filed by the respondents denying the contentions of the petitioner. They reiterate that the petitioner never reported for duty on the aforementioned dates and therefore, rightly the said period has been treated as loss of pay for the petitioner. They have also contended that this Writ Petition is not maintainable, since the dispute raised by the petitioner is an industrial dispute and only the labour court is empowered to adjudicate such a dispute.

4.As rightly contended by the second respondent, through their counter, the dispute raised by the petitioner in this Writ Petition can be adjudicated only by the Labour Court. Since there are disputed questions of facts involved, which cannot be adjudicated by this Court under Article 226 of the Constitution of India, this Writ Petition is not maintainable. The petitioner contends that the



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aforesaid period has to be treated as duty period since according to the petitioner he had reported for duty but whereas the said contention has been disputed by the respondents through their counter as well as through the impugned order.

5.In view of the same, in accordance with the settled law, naturally, the petitioner having raised an industrial dispute has to approach only the Labour Court. Accordingly, this Writ Petition is disposed of, by granting liberty to the petitioner to approach the Labour Court for seeking the relief as prayed in this Writ Petition in the manner known to the petitioner under law. There shall be no order as to costs.

10.11.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE., J.

MR

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