



W.P.(MD) No.9710 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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and

W.M.P.(MD) Nos.7416 & 7417 of 2021

The Management of
Tamil Nadu State Transport
Corporation
Madurai Division-II Limited
rep.by its General Manager
19, Tiruvandrum Road
Vannarpet, Tirunelveli-62700

... Petitioner

-vs-

1.The Joint Commissioner
of Labour (Conciliation i/c)
Chennai-600 006

2.A.Ganesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records from the first respondent Joint Commissioner of Labour (Conciliation), Chennai, relating to the impugned award passed by it in A.P.No.273 of 2004, dated 31.12.2012 and quash the same.



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For Petitioner : Mr.K.Sathiya Singh

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1
Mr.S.Mahalingam for R2

ORDER

This writ petition has been filed by the petitioner – Transport Corporation aggrieved by an order dated 31.12.2012, passed by the respondent No.1 in A.P.No.273 of 2004.

2. The said A.P.No.273 of 2004 was filed by the petitioner – Transport Corporation before the respondent No.1 under Section 33(2)(b) of the Industrial Disputes Act, 1947 (in short, “the Act, 1947”), seeking approval of the order of dismissal dated 11.10.2004, passed against the respondent No. 2 – workman.

3. The petitioner – Transport Corporation failed to get disposal of the said approval petition till the year 2012 and the same was disposed of by the respondent No.1, by an order dated 31.12.2012, by which time, the respondent No.2 attained the age of superannuation. In spite of the same, the petitioner – Transport Corporation failed to take any action against the order



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WEB COPY dated 31.12.2012, passed by the respondent No.1. However, after a lapse of about a decade, the petitioner – Transport Corporation has approached this Court by filing the present writ petition on 16.04.2021. Absolutely, there is no reason assigned by the petitioner – Transport Corporation in the affidavit filed in support of the writ petition for the delay in approaching this Court.

4. It is an admitted fact that the respondent No.2 has already attained the age of superannuation on 31.05.2012 i.e., even by the date of rejection of the approval petition filed by the petitioner – Transport Corporation and the petitioner – Transport Corporation failed to take any action diligently and kept quite for a period of decade.

5. No doubt, there is no limitation prescribed for entertaining a writ petition. However, the same does not mean that the litigant can approach the Court as and when he wakes up from sleeping over the matter. In the instant case, as already noted, the respondent No.2 has already retired from service on 31.05.2012 and now, he is aged more than 70 years. In case if any relief is granted in favour of the petitioner – Transport Corporation in this belated writ petition, the same would cause great prejudice to the respondent No.2.



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6. In the circumstances, this Court is not inclined to entertain this writ petition and the same is accordingly dismissed on the ground of delay and laches. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:
The Joint Commissioner
of Labour (Conciliation i/c),
Chennai-600 006.



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MUMMINENI SUDHEER KUMAR, J.

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