

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3065/2006

(From the judgement and order dated 08/12/2005 in WP No. 33616/2005 & WP No. 33617/2005 of The HIGH COURT OF MADRAS)

T.N. STATE TRANSPORT CORPN. LTD. Petitioner(s)

VERSUS

K. KOTHANDARAMAN Respondent(s)

(With appln(s) for directions and with prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

WITH
SLP(C) NO. 10326 of 2009
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 10327 of 2009
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 10329 of 2009
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 10733 of 2006
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 11382 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 12382 of 2006
(With Appln.(s) for exemption from filing O.T. and directions and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 13214 of 2006
(With office report)
(FOR FINAL DISPOSAL)

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SLP(C) NO. 13409 of 2006
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 13410 of 2006
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 14622 of 2006
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 15169 of 2006
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16435 of 2007

(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16436 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16437 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16438 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16439 of 2007
(FOR FINAL DISPOSAL)

SLP(C) NO. 16440 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16519 of 2007
(FOR FINAL DISPOSAL)

SLP(C) NO. 16523 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16524 of 2007
(With office report)
(FOR FINAL DISPOSAL)

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SLP(C) NO. 16525 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16526 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16527 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16529 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16530 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16532 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16533 of 2007
(With office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 18716 of 2007
(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 3083 of 2007
(With office report)
(FOR FINAL DISPOSAL)

Mrs. K. Sarada Devi, Adv.

Ms. Mary Mitzy, Adv.

Mr. G.S. Chauhan, Adv.

Mr. Shiv Prakash Pandey, Adv.

Mr. R. Nedumaran, Adv.

Mr. Vimal Dubey, Adv.

Mr. Jaimon Andrews, Adv.

Mr. R. Satish Kumar, Adv.

Ms. Anjali Chauhan, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Aribam Guneshwar Sharma, Adv.

Ms. Indu Malhotra, Sr. Adv.

Mr. Abhinav Agnihotri, Adv.

Ms. Durga Devi, Adv.

Mr. Vikas Mehta, Adv.

UPON hearing counsel the Court made the following
O R D E R

S.L.P.(C.) 3065 OF 2006 :

Leave granted.

The Appeal is disposed of.

No costs.

SLP(C)	NO.	10326	of	2009;	SLP(C)	NO.	10327	of	2009;
SLP(C)	NO.	10329	of	2009;	SLP(C)	NO.	10733	of	2006;
SLP(C)	NO.	11382	of	2007;	SLP(C)	NO.	12382	of	2006;
SLP(C)	NO.	13214	of	2006;	SLP(C)	NO.	13409	of	2006;
SLP(C)	NO.	13410	of	2006;	SLP(C)	NO.	14622	of	2006;
SLP(C)	NO.	15169	of	2006;	SLP(C)	NO.	16435	of	2007;
SLP(C)	NO.	16436	of	2007;	SLP(C)	NO.	16437	of	2007;
SLP(C)	NO.	16438	of	2007;	SLP(C)	NO.	16439	of	2007;
SLP(C)	NO.	16440	of	2007;	SLP(C)	NO.	16519	of	2007;
SLP(C)	NO.	16523	of	2007;	SLP(C)	NO.	16524	of	2007;
SLP(C)	NO.	16525	of	2007;	SLP(C)	NO.	16526	of	2007;
SLP(C)	NO.	16527	of	2007;	SLP(C)	NO.	16529	of	2007;

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SLP(C) NO. 16530 of 2007; SLP(C) NO. 16532 of 2007;
SLP(C) NO. 16533 of 2007; SLP(C) NO. 18716 of 2007;
SLP(C) NO. 3083 of 2007; SLP(C) NO. 3216 of 2007;
SLP(C) NO. 3220 of 2007; SLP(C) NO. 3224 of 2007;
SLP(C) NO. 3225 of 2007; SLP(C) NO. 3227 of 2007;
SLP(C) NO. 3228 of 2007; SLP(C) NO. 3229 of 2007;
SLP(C) NO. 3230 of 2007; SLP(C) NO. 3231 of 2007;
SLP(C) NO. 3232 of 2007; SLP(C) NO. 3233 of 2007;
SLP(C) NO. 3784 of 2006; SLP(C) NO. 6163 of 2006 :

Leave granted in the Special Leave Petitions.

In view of the order passed in Appeal arising out of S.L.P.(C.) 3065 OF 2006, the Appeals arising out of these Special Leave Petitions are also disposed of. No costs.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6582 OF 2010
(arising out of S.L.P.(C.) 3065 OF 2006)

T.N. STATE TRANSPORT CORPN. LTD.

Appellant(s)

VERSUS

K. KOTHANDARAMAN

Respondent(s)

O R D E R

CIVIL APPEAL NO. 6582 OF 2010
(arising out of S.L.P.(C.) 3065 OF 2006)

Heard the learned counsel for the parties.

Leave granted.

This Appeal has been filed against the impugned judgment of the High Court of Madras dated 08.12.2005.

The facts of the case have already been set out in the impugned judgment and hence we need not to repeat them here.

Before dealing with this case, we would like to state that if a workman is aggrieved that any provision of the Industrial Disputes Act, 1947 (for short 'the Act') has been violated, his remedy is to raise an industrial dispute under Section 10 of the Act and he cannot ordinarily approach the

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High Court directly under Article 226 of the Constitution of

India. It is a well settled principle of writ jurisdiction that if there is an alternative remedy ordinarily a writ petition should not be entertained.

In the present case, the respondent-employees directly approached the High Court under Article 226 of the Constitution of India alleging violation of Sections 25-F, 25-H, etc. Hence, in fact, the writ petitions themselves

should not have been entertained by the High Court.

However, on the facts of this case and particularly since subsequent to the judgment of the High Court certain orders, e.g., order dated 13.07.2006, have been passed by the State Government, we uphold the direction of the High Court contained in paragraph 34(iii)(a) of the impugned judgment that those workmen who have completed 240 days of service within one year prior to the date of termination of service shall be reinstated. But the direction of the High Court contained in paragraph 34(iii)(b) of the impugned judgment that "those (writ petitioners) who worked less than 240 days shall also be given re-employment and their services will be regularised, only after completion of 240 days and subject to fulfilling other conditions, if any." is set aside.

The Appeal is disposed of accordingly.

No costs.

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Civil Appeal No. 6613 of 2010
(arising out of SLP(C) NO. 10326 of 2009)

Civil Appeal No. 6614 of 2010
(arising out of SLP(C) NO. 10327 of 2009)

Civil Appeal No. 6615 of 2010
(arising out of SLP(C) NO. 10329 of 2009)

Civil Appeal No. 6585 of 2010
(arising out of SLP(C) NO. 10733 of 2006)

Civil Appeal No. 6593 of 2010
(arising out of SLP(C) NO. 11382 of 2007)

Civil Appeal No. 6586 of 2010
(arising out of SLP(C) NO. 12382 of 2006)

Civil Appeal No. 6587 of 2010
(arising out of SLP(C) NO. 13214 of 2006)

Civil Appeal No. 6589 of 2010
(arising out of SLP(C) NO. 13409 of 2006)

Civil Appeal No. 6588 of 2010
(arising out of SLP(C) NO. 13410 of 2006)

Civil Appeal No. 6591 of 2010
(arising out of SLP(C) NO. 14622 of 2006)

Civil Appeal No. 6590 of 2010
(arising out of SLP(C) NO. 15169 of 2006)

Civil Appeal No. 6594 of 2010
(arising out of SLP(C) NO. 16435 of 2007)

Civil Appeal No. 6595 of 2010
(arising out of SLP(C) NO. 16436 of 2007)

Civil Appeal No. 6597 of 2010
(arising out of SLP(C) NO. 16437 of 2007)

Civil Appeal No. 6598 of 2010
(arising out of SLP(C) NO. 16438 of 2007)

Civil Appeal No. 6600 of 2010
(arising out of SLP(C) NO. 16439 of 2007)

Civil Appeal No. 6601 of 2010
(arising out of SLP(C) NO. 16440 of 2007)

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Civil Appeal No. 6602 of 2010
(arising out of SLP(C) NO. 16519 of 2007)

Civil Appeal No. 6603 of 2010
(arising out of SLP(C) NO. 16523 of 2007)

Civil Appeal No. 6604 of 2010
(arising out of SLP(C) NO. 16524 of 2007)

Civil Appeal No. 6605 of 2010
(arising out of SLP(C) NO. 16525 of 2007)

Civil Appeal No. 6606 of 2010
(arising out of SLP(C) NO. 16526 of 2007)

Civil Appeal No. 6607 of 2010
(arising out of SLP(C) NO. 16527 of 2007)

Civil Appeal No. 6610 of 2010
(arising out of SLP(C) NO. 16529 of 2007)

Civil Appeal No. 6608 of 2010
(arising out of SLP(C) NO. 16530 of 2007)

Civil Appeal No. 6609 of 2010
(arising out of SLP(C) NO. 16532 of 2007)

Civil Appeal No. 6611 of 2010
(arising out of SLP(C) NO. 16533 of 2007)

Civil Appeal No. 6612 of 2010
(arising out of SLP(C) NO. 18716 of 2007)

Civil Appeal No. 6592 of 2010
(arising out of SLP(C) NO. 3083 of 2007)

Civil Appeal No. 6616 of 2010
(arising out of SLP(C) NO. 3216 of 2007)

Civil Appeal No. 6617 of 2010
(arising out of SLP(C) NO. 3220 of 2007)

Civil Appeal No. 6618 of 2010
(arising out of SLP(C) NO. 3224 of 2007)

Civil Appeal No. 6619 of 2010
(arising out of SLP(C) NO. 3225 of 2007)

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Civil Appeal No. 6620 of 2010
(arising out of SLP(C) NO. 3227 of 2007)

Civil Appeal No. 6621 of 2010
(arising out of SLP(C) NO. 3228 of 2007)

Civil Appeal No. 6622 of 2010
(arising out of SLP(C) NO. 3229 of 2007)

Civil Appeal No. 6623 of 2010
(arising out of SLP(C) NO. 3230 of 2007)

Civil Appeal No. 6624 of 2010
(arising out of SLP(C) NO. 3231 of 2007)

Civil Appeal No. 6625 of 2010
(arising out of SLP(C) NO. 3232 of 2007)

Civil Appeal No. 6626 of 2010
(arising out of SLP(C) NO. 3233 of 2007)

Civil Appeal No. 6583 of 2010
(arising out of (SLP(C) NO. 3784 of 2006)

Civil Appeal No. 6584 of 2010
(arising out of SLP(C) NO. 6163 of 2006)

Leave granted in the Special Leave Petitions.

In view of the order passed in CIVIL APPEAL NO. 6582
OF 2010 (arising out of S.L.P.(C.) 3065 OF 2006), these
Appeals are also disposed of accordingly. No costs.

.....J.
(MARKANDEY KATJU)

.....J.
(T.S. THAKUR)

NEW DELHI
AUGUST 13, 2010.

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