



W.A. Nos. 2233 of 2023 etc.batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. Nos. 2233, 2235, 2261, 2264, 2267, 2268, 2269, 2271, 2272, 2273
& 2275 of 2023

&

C.M.P. Nos.19382, 19385, 19443, 19456, 19467, 19477, 19479, 19485,
19488, 19494 & 19510 of 2023

W.A. No. 2233 of 2023

M. Venkatesan

..Appellant

Vs.

1. Management of Tamil Nadu State
Transport Corporation,
(Coimbatore Division II) Ltd.,
Chennimalai Road,
Erode – I,
(Rep. by its General Manager)

2. The Presiding Officer,
Labour Court, Salem.

..Respondents

Prayer: Writ Appeal as against the order dated 14.11.2019 passed in



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W.P. No. 27059 of 2015.

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For Appellant :: Mr.P. Vetrivel

For Respondents :: Mr. Murali Vinoth for R1
R2 Court

COMMON JUDGMENT

(Delivered by *S. Vaidyanathan,J.*)

The present appeals have been preferred by workmen, numbering eleven, as against the order dated 14.11.2019 passed in W.P. Nos. 27059, 27061, 17062, 17063, 27060, 27057, 27056, 27064, 27065, 27053 & 27055 of 2015 respectively.

2. The case of the workmen is that they were engaged as casual employees in the post of Conductors/Drivers/Sanitary Workers, as the case may be, on various dates by the 1st respondent Corporation. The date of entry into service, the date of termination and other particulars including the date of birth of each of the employees/appellants are given below:



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Sl	W.A.No	Name	W.P. No.	ID No.	Date of joining	Date of termination	DOB	Age as on September 1,2023
1	2233/23	M.Venkatesan	27059/15	314/2003	01.02.1994	02.02.2000	13.05.1972	51y 3m 19d
2	2235/23	Venkatesh	27061/15	274/2000	01.12.1995	30.06.1998	20.05.1976	47y 3m 12d
3	2261/23	Subramanian	27062/15	358/2001	07.11.1993	12.06.1996	18.11.1963	65y 2m 19d
4	2264/23	Vengada-chalapathi	27063/15	77/2001	04.11.1993	27.10.1998	06.10.1960	62y 10m 26d
5	2267/23	P. Arumugam	27060/15	645/2001	01.07.1996	15.09.1998	15.06.1967	56y 2m 17d
6	2268/23	K. Arjunan	27057/15	356/2001	01.11.1993	25.10.1998	Died	
7	2269/23	V.Bala-krishnan	27056/15	355/2001	08.05.1994	16.07.1996	20.04.1967	56y 4m 12d
8	2271/23	Anbazhagan	27064/15	469/2000	06.11.1993	16.07.1996	09.05.1965	58y 3m 23d
9	2272/23	R.Subramanian	27065/15	11/2002	12.06.1996	01.11.1998	18.11.1963	59y 9m 14d
10	2273/23	K. Raja-rathinam	27053/15	368/1999	12.02.1993	07.07.1999	20.05.1973	50y 3m 12d
11	2275/23	P. Madhavan @ Madhan	27055/15	316/2001	1995	01.12.2000	20.06.1973	50y 2m 12d

After extracting work, they were orally terminated without any enquiry by the respondent Corporation. Aggrieved by the said termination, the employees approached the Labour Court by way of I.D.Nos. 314/2003, 274/2000, 358/2001, 77/2001, 645/2001, 356/2001, 355/2001, 469/2000, 11/2002, 368/1999 & 316/2001 respectively and by award dated 06.09.2012, the Labour Court allowed the I.D.s in part, setting aside the



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order of illegal termination and directing the employer to provide employment as fresh entrant within a period of 2 months after taking into account the physical fitness and educational qualification of the employees with continuity of service and without backwages. Challenging the said award, the Corporation filed writ petitions before this Court and the learned Single Judge, after careful consideration of the factual matrices, findings rendered by the Labour Court and various judgments of the Hon'ble Apex Court, quashed the award passed by the Labour Court and allowed the writ petitions. Questioning the same, the employees are before this Court in the present writ appeals.

3. The main contention of the appellants is that as they had completed 240 days of continuous service in a period of 12 calendar months, on the date of termination, the action of the employer is in non-compliance of the provisions of Section 25-F of Industrial Disputes Act, 1947 (I.D.Act in short), which vitiates the order of termination. That apart, after the disengagement of the workmen concerned, new hands have been inducted and the employer has violated Section 25-H of I.D. Act, 1947. It was also the stand of the appellants that the Management had intentionally not



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produced documents with regard to the service rendered by the employees stating that the documents got destroyed, without any proof whatsoever, so as to deprive the workmen from getting the benefit of permanent absorption and the learned Single Judge failed to consider the same and also the findings of the Labour Court in this regard.

4. The contention of the Management was that as the regular employees of the Corporation threatened to go on strike and in order to prevent hardship and inconvenience that may be caused to the public due to the imminent strike, casual labourers were engaged during different periods, on daily wages basis, the details of which have been tabulated supra. As the employees were appointed on *ad hoc basis*, the length of service was not at all relevant. The employees/appellants have not completed 240 days of continuous service in a period of 12 calendar months as per Section 25B of I.D. Act, 1947. Moreover, the employees have been engaged on daily wages and on need basis and that the employees have been recruited based on the interview letter from the Corporation without reference to the employment exchange, in an emergency situation and therefore, the employees are not entitled to permanent employment. If the claim of the employees is



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considered, it would amount to backdoor entry and only in respect of those employees, who were appointed after following the recruitment rules, confirmation could be considered on completion of 240 days in one year of their service and therefore, the appellants, who were engaged as casual labourers, on ad hoc basis, based on the emergency situation that prevailed, cannot claim permanency and they cannot claim any relief under Section 25-F and 25-H of I.D. Act, 1947. It is the further contention of the Management that the employees were clearly informed that their engagement would cease once the need ceases.

5. Heard the learned counsel for the parties.

6. The stand of the employees is that though were engaged as casual labourers, having completed 240 days of continuous service in a period of 12 calendar months, their termination is illegal and violative of provisions of I.D.Act, 1947 and they should be given permanent absorption while the Management would refute the same stating that persons, who were engaged on *ad hoc* basis and who have not completed 240 days of continuous service, cannot claim the relief of permanency. Aggrieved by the orders of termination, the employees had raised industrial disputes before



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the Labour Court on different dates. Some of them had raised industrial disputes within a short period while some of them had raised industrial disputes after a period of 5 years. The Labour Court came to the conclusion that though it is true that the employees have produced documents before the Court, there is no iota of evidence to show that they have rendered 240 days of continuous service during the last one year prior to the date of termination and hence, the employees cannot contend that there is violation of Section 25-F of I.D.Act, 1947.

7. In paragraph No.21 of the award, the Labour Court has rendered a finding that though these employees have proved that they were employed as daily rated workmen, they have failed to prove that they have rendered 240 days of continuous service during the last one year. The relevant portion of the said finding is extracted hereunder:

"21) ஆக மனுதாரர்கள் தரப்பில் விசாரணை செய்யப்பட்ட சாட்சிகள் வாயிலாகவும் அவர்களால் தாக்கல் செய்யப்பட்ட சான்றாவணங்கள் வாயிலாகவும் மனுதாரர்கள் எதிர்மனுதாரர் நிர்வாகத்தில் தினக்கூலிகளாக பணிபுரிந்துள்ளார் என்ற கூற்று மெய்ப்பிக்கப்பட்டுள்ளதே தவிர, பணிநீக்கம் செய்வதற்கு முந்தைய வருடத்தில் 240 நாட்கள் வேலை செய்தார்கள் என்று கண்டறியும் முகமாக மனுதாரர்கள் தரப்பு சாட்சிய சான்றாவணங்கள் அமையவில்லை."



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With regard to the contention that the documents have been destroyed, due to passage of time, the said contention of the Management was rejected on the ground that there was no evidence produced that the documents were destroyed and M.W.1, in fact, admitted that documents pertaining to daily rated labourers were available. The Labour Court, in its award, has discussed about evidence of M.W.1 regarding the maintenance and destruction of records and though it was categorically argued before the Labour Court, on behalf of the Management, that the documents pertaining to the daily rated workmen were destroyed, taking into account, the totality of circumstances, the Labour Court passed the award directing the employer to provide employment to the workmen as new entrants within a period of 2 months after taking into account the physical fitness and educational qualification and provide them with continuity of service without any backwages.

9. The Labour Court disbelieved the version of the employees that they were without employment ever since the date of termination. The



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portion of the award insofar as it declined the relief to the workmen is concerned, it has become final. Insofar as the relief that has been granted to the workmen, the Management filed writ petitions challenging the award. The learned Single Judge, after discussing the facts mentioned supra, came to the conclusion that Transport Corporation is a public utility service and that employees have been engaged sporadically as and when there was a need. The learned counsel for the Management, before the learned Single Judge, relied on the judgment of the Apex Court rendered in ***Tamil Nadu State Transport Corporation limited V. K. Kothandaraman (Civil Appeal No. 6582 of 2010)*** wherein it was held that the employees, who have rendered less than 240 days of continuous service in a period of 24 calendar months would not be entitled to regularisation in a permanent post. The learned Single Judge has also relied upon the judgment of Constitution Bench of Hon'ble Apex Court in the case of ***State of Karnataka V. Uma Devi reported in (2006) 4 SCC 1*** and declined the relief on the ground that backdoor entry cannot be permitted. He has also quoted the conclusion arrived at by the Labour Court at paragraph No.15 of the award that the employees have not completed 240 days of continuous service during the last



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one year as contended by them. The said conclusion of the Labour Court is reproduced hereunder:

"15. மேற்சொன்ன ஆவணங்களை ஒருங்கிணைந்து பரிசீலித்து பார்க்கும் போது மேற்சொன்ன ஆவணங்கள் வாயிலாக மனுதாரர் பணிநீக்கம் செய்வதற்கு முந்தைய ஆண்டில் 240 நாட்கள் வேலை செய்தார் என முடிவு செய்ய இயலாது.

ஆனால் மேற்சொன்ன அழைப்பின் அடிப்படையில் மனுதாரருக்கு பணி வழங்கவில்லை என்று மனுதாரர் தரப்பிலேயே ஒப்புக்கொள்ளப்பட்டுள்ளது என்பதை பார்வையிடும் போது மனுதாரர் நிரந்தர தொழிலாளியாக ஆக்கப்படுவதற்குரிய தகுதியை கொண்டிருக்கவில்லை என்பது தெளிவாக தெரியவருகிறது."

The learned Single Judge came to the conclusion, by perusing the award, that the workmen have not established the fact that they have rendered 240 days of continuous service in one year prior to the date of termination; that the workmen have also not proved the length of service of 240 days prior to the date of termination. Having rendered such a finding, the learned Single Judge was of the view that there was no reason for the Labour Court to arrive at the conclusion that the employees were entitled to the relief of permanent absorption.



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10. With regard to burden of proof, the learned Single Judge has held that the same cannot be shifted from the workmen to the Management and the burden is on the employee/person, who approached this Court to prove his case. In the absence of such proof, the Labour Court ought not to have granted permanent employment. The learned Single Judge has referred to the judgment of the Apex Court in ***Life Insurance of India V. R. Dhandapani*** reported in ***(2006) 13 SCC 313*** that deals with proportionality of punishment. While dealing with the issue, the Apex Court has held that there should not be any misplaced sympathy. That judgment may not be applicable to the facts of this case as this is not a case of misconduct and it is true that no misplaced sympathy can be shown in case there is no violation of law by the employer. Following the decision of the Apex Court mentioned supra, the learned Single Judge has set aside the award and allowed the writ petitions. Aggrieved by the order of the learned Single Judge dated 14.11.2019, the present appeals have been filed. The employees have approached this Court by filing these appeals with a delay of 1304 days each and while condoning the delay by order dated 07.08.2023, this Court



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has observed as follows:

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“It is made clear that the period during which there was delay in filing each of the writ appeals will not be counted for the purpose of continuity of service, backwages or any other monetary benefits in respect of the workman concerned.”

11. On 04.09.2023, in order to find out the feasibility of settlement, this Court has passed the following order:

“The Labour Court granted the relief of reinstatement of workmen as freshers, however granted continuity of service. The Labour Court also held that the workmen should satisfy the fitness and age criteria in terms of the Standing Orders and the selection process for the purpose of selection as drivers. The said award of the Labour Court was challenged which was interfered with by the Single Bench on 14.11.2019.

2 *It was represented that Arjunan, appellant in W.A. No.2268 of 2023 is no more and hence, time may be sought for filing a substitution petition to bring the legal heirs of the deceased on record.*

3 *This Court also suggested to the Management to find out the feasibility of accommodating these drivers in terms of*



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the award of the Labour Court so that shortage of drivers could be reduced, however, subject to the conditions specified in the award and that the drivers are in no way entitled to backwages in terms of the award.

4 The list produced before us would show that out of 11 workmen, six or seven workmen would be entitled to be considered and others have already attained the age of superannuation. The Management may also think of extending Gratuity to the workmen, depending upon the years of service rendered by them.

5 The learned counsel for the Transport Corporation submitted that he would ascertain the feasibility of accepting the aforesaid suggestion put forth by this Court.

Post on 11.09.2023 enabling the appellant in W.A. No.2268 of 2023 to file a petition to bring on record the legal heirs of the deceased.

However, learned counsel appearing for the Management stated that the Management is not willing to extend the benefits as these employees have not completed 240 days in one calendar year and not entitled to any



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12. Admittedly, these employees were employed to tide over the crisis caused due to the strike by permanent employees and to prevent any hardship or inconvenience being caused to the passengers owing to the strike. These employees were not recruited by calling for names from the employment exchange. However, in the light of the judgment of the Hon'ble Apex Court rendered in ***Excise Superintendent, Malkapatnam, Krishna District, Andhra Pradesh V. K.B.N. Visweshwara Rao & Others*** reported in 1996 6 SCC 216, Employment Exchange cannot be the only source of recruitment. In the instant case, in order to overcome the crisis of strike by permanent employees, the appellants were engaged. Though the employees produced 71 documents before the Labour Court to prove that they have served the Corporation, as per the findings of the Labour Court and the findings of the learned Single Judge, they have not established that they had completed 240 days of continuous service during the last year prior to the date of termination. A reading of Section 25-F (b) of I.D. Act would make it very clear that for every completed year of continuous service, compensation equivalent to 15 days average pay has to be paid. The said provision is



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extracted hereunder:

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“25F. Conditions precedent to retrenchment of workmen.-

...

(b) No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service] or any part thereof in excess of six months; and...”

Further, for the sake of convenience, Sections 25-B, 25-F and 25-H of

I.D.Act, 1947 are extracted hereunder:



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A74 THE INDUSTRIAL DISPUTES ACT, 1947 [Sec.25B

- (iii) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951).]

[25B. *Definition of continuous service.* — For the purposes of this Chapter, —

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman ;

(2) where a workman is not in continuous within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer —

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than —

(i) one hundred and ninety days, in the case of a workman employed below ground in a mine ; and

(ii) two hundred and forty days, in any other case ;

(b) for a period of six months, if the workman, during a period of six calendar months, preceding the date with reference to which calculation

¹ Subs. by Act 36 of 1964, s. 13, for Sec. 25B (with effect from 19th December, 1964).



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Sec.25C] THE INDUSTRIAL DISPUTES ACT, 1947 A75

is to be made, has actually worked under the employer for not less than —

- (i) ninety-five days in the case of a workman employed below ground in a mine ; and
- (ii) one hundred and twenty days, in any other case.

Explanation.— For the purposes of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which —

- (i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), or under this Act or under any other law applicable to the industrial establishment ;
- (ii) he has been on leave with full wages earned in the previous years ;
- (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment ; and
- (iv) in the case of a female, she has been on maternity leave ; so, however, that the total period of such maternity leave does not exceed twelve weeks.]

[25C. Right of workmen laid off for compensation
—Whenever a workmen (other than a *badli* workman or a

¹ Subs. by Act 35 of 1965, s. 5, for the former section (with effect from 1st December, 1965).



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A78 THE INDUSTRIAL DISPUTES ACT, 1947 [S.25FF

25F. Conditions precedent to retrenchment of workmen.

— No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until —

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;

[* * *]

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay ²[for every completed year of continuous service] or any part thereof in excess of six months ; and

- (c) notice in the prescribed manner is served on the appropriate Government ⁴[or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]

¹[25FE. Compensation to workmen in case of transfer of undertakings. — Where the ownership or management

¹ The proviso omitted by Act 49 of 1984, s. 3 (with effect from 18th August, 1984).

² Subs. by Act 36 of 1964, s. 14, for "for every completed year of service" (with effect from 19th December, 1964).

³ Ins. by Act 36 of 1964, s. 14 (with effect from 19th December, 1964).

⁴ Subs. by Act 18 of 1957, s. 3, for the former section (with effect from 28th November, 1956). Sec. 25FF was inserted by Act 41 of 1956, s. 3.



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“25-H Re-employment of retrenched workmen:- *Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner, as may be prescribed, give an opportunity ¹[to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen] who offer themselves for re-employment shall have preference over other persons.”*

¹Subs. By Act 36 of 1964, s. 16 for certain words (with effect from 19th December, 1964.)

13. Admittedly, the compensation as contemplated under Section 25-F(b) of the I.D. Act, 1947 has not been paid. Even assuming that the appointment of the appellants is irregular, in the light of the judgment of this Court rendered in ***Srirangam Co-operative Urban Bank Ltd., Srirangam V. Labour Court, Madurai and another*** reported in (1996) 2 LLJ 216, the employer ought to have complied with Section 25-F of I.D.Act, 1947, which has also not been done. It is no doubt true that the burden is on the employees to prove that they have completed 240 days of continuous service. Once the documents are called for from the employer to be produced before the Labour Court, the burden shifts on the employer and it is for the

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employer to produce documents to disprove the case of the employees. A

Three Judges' Bench of the Hon'ble Apex Court, in the judgment rendered in

Manager, R.B.I. Bangalore V. S. Mani, held that the initial burden is on

the workman to show that he has completed 240 days of service and once

the workman discharges his burden, it shifts on the employer and when the

documents are with the employer, the burden is on the employer to produce

the same and the employer cannot keep all the documents close to his chest.

In the present case on hand, the employer has taken a stand that the

documents were destroyed and there is also an admission by P.W.1 that the

application seeking production of documents has been made after a period

of 15 years. Eventhough the Labour Court has rendered a finding that the

employer failed to produce any document to show that the employees have

not worked for 240 days, when the employees have raised industrial

disputes, more so, in many cases, less than 3 years time, a duty is cast upon

the employer to retain those records till the dispute is over. For reasons best

known to the employer, the employer has not produced the same, but

contends that the documents have been destroyed. As the date of

destruction has not been specifically proved, especially by the employer, the



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plea of the employer was turned down by the Labour Court. Some of the employees have been disengaged during the period 1998 and 2000 and they have raised the dispute within a period of three years. Barring two cases, where the termination took place in 1996, in rest of the cases, the disputes have been raised within a period of 3 years and there is no occasion for the Management to destroy the records. Even if it was so, the employer had not produced any records pertaining to destruction. Furthermore, the limitation prescribed by means of an amendment with effect from 16.09.2010 stipulating maximum period of 3 years for raising a dispute may not be applicable to the facts of this case as the termination has occurred prior to the said amendment.

14. The finding of the learned Single Judge by placing reliance upon ***Uma Devi's case*** cannot be sustained as in that case, the writ petition was filed directly whereas in the present case on hand, industrial disputes have been raised and evidence has been let in and in the light of the judgment of this Court reported in ***(1996) 2 LLJ 216*** mentioned supra, even assuming that the nature of employment viz., whether legally made or not or an



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irregular appointment or an appointment by a person not competent to appoint would not be a ground to refuse to follow the provisions contained in Section 25-F of I.D. Act, 1947. Therefore, compliance of Section 25-F, more so, Section 25-F(d) of the I.D. Act is mandatory. That apart, a reading of last paragraph of the award of the Labour Court would make it clear that the industrial disputes were allowed in part, setting aside the order of illegal termination and the employer was directed to provide employment to the employees in the post concerned as fresh entrants within a period of 2 months after taking into account the physical fitness and educational qualification of the employees with continuity of service and without backwages. The operative portion of the award of the Labour Court is extracted hereunder:

"இறுதியாக மனுக்கள் பகுதியாக அனுமதிக்கப்படுகின்றன. இன்றிலிருந்து இரண்டு மாதங்களுக்குள் நிலையானையில் குறிப்பிட்டுள்ள உடல் தகுதி மற்றும் கல்வி தகுதி ஆகியவற்றை மனுதாரர்கள் கொண்டிருப்பின் எதிர்மனுதாரர் நிர்வாகம் புதியதாக பணித்தொடர்ச்சியுடன் பணி நியமனம் செய்ய உத்தரவிடப்படுகிறது. பின்சம்பளத்தை பொறுத்தவரை கடந்த பல வருடங்களாக நடத்துனர் மற்றும் ஓட்டுனர் தகுதியை கொண்ட மனுதாரர்கள் பணியில்லாமல்



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இருக்கிறார்கள் என கூறுவது அடிப்படையிலேயே நம்பும்படியாக அமையவில்லை. ஆக No work No pay என்ற அடிப்படையில் மனுதாரர்கள் பின் சம்பளம் பெறுவதற்கு தகுதியற்றவர்கள் என முடிவு செய்து தீர்வம் பிறப்பிக்கப்படுகிறது.”

The Labour Court has deprived backwages in full and directed the employees to be reinstated as fresh entrants, however,with continuity of service.

15. The Labour Court has also disbelieved the contention of the employees that they were not gainfully employed. As stated supra, this finding has become final and the employees have not challenged the same. Even assuming for the sake of argument that the employees, who were working as drivers were without employment, it will not be advisable to put them back into service as drivers, considering the age factor, as the lives of passengers and pedestrians cannot be put at stake and therefore, we are not inclined to grant the relief of reinstatement to the appellants in W.A. Nos 2267 & 2272 of 2023, who were engaged as Drivers. The case of employees, namely, M. Venkatesan, Venkatesh, Rajarathinam and



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Madhavan @ Madhan, who are less than 52 years of age can be considered for employment, in the light of the award of the Labour Court. As Subramanian (appellant in W.A. No. 2261/2023) and Vengadachalapathi (appellant in W.A. No. 2264/2023) have already attained the age of superannuation, though there is non-compliance of Section 25-F of I.D.Act, putting them back into service does not arise. The Management is directed to pay compensation of Rs.2 lakhs each to the said employees in lieu of reinstatement. Insofar as others are concerned, except Arjunan, who is no more, compensation of Rs 2 lakhs each shall be paid. Since Arjunan is no more and his legal heirs have been brought on record, the legal heirs are entitled to receive aforesaid compensation of Rs.2 lakhs on proportionate basis depending upon the personal laws applicable. The Management shall consider the case of M. Venkatesan, Venkatesh, K. Rajarathinam and P. Madhavan @ Madhan for reinstatement, as per the award of the Labour Court and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. Insofar as these persons are concerned, they are entitled to continuity of service only for the purpose of terminal benefits. We reiterate that the period of delay will be excluded for



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all purposes in the light of the order dated 07.08.2023 passed by this Court.

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16. The writ appeals are disposed of accordingly. No costs.

Connected C.M.P.s are closed.

nv

(S.V.N.J.) (K.R.S.J.)
11.09.2023
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Index: Yes/No

Internet: Yes/No

To

1. The General Manager,
Management of Tamil Nadu State
Transport Corporation,
(Coimbatore Division II) Ltd.,
Chennimalai Road,
Erode – I,
2. The Presiding Officer,
Labour Court, Salem.

S. VAIDYANATHAN,J.

AND

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K. RAJASEKAR,J.

nv

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11.09.2023