



W.P(MD)No.3130 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.3130 of 2023

and

W.M.P.(MD).No.2909 of 2023

The Management,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Division,
represented by its General Manager,
Trichy Region,
Trichy-620 001.

... Petitioner

Vs

1.The Special Joint Commissioner of Labour,
O/o. The Joint Commissioner of Labour,
Chennai-6.

2.V.Thiyagarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records in respect to the impugned order passed by the first respondent in A.P.No.104 of 2019 dated 20.05.2022 and to quash the same as arbitrary and improper.



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For Petitioner : Mr.S.C.Herold Singh

For R-1 : Mr.M.Mahaboob Athiff,
Counsel for State

For R-2 : Mr.D.Venkatachalam

ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent in A.P.No.104 of 2019, dated 20.05.2022.

2. Heard the learned counsel appearing for the petitioner Corporation and the learned counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner Corporation submitted that the respondent was engaged as a temporary Conductor on daily wage basis in the petitioner Corporation in the year 2008. According to the petitioner, the respondent remained continuously absent from duty without obtaining prior permission or leave. It is submitted that the respondent was unauthorisedly absent from duty during the period from 27.10.2017 to 23.11.2017 without any prior intimation or permission. Owing to his sudden unauthorised absence, the petitioner Corporation was put to considerable hardship in operating the scheduled bus services, thereby affecting the public transport system.



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4. It is further submitted that disciplinary proceedings were initiated against the respondent employee. After conducting a domestic enquiry and affording sufficient opportunity to the respondent, the disciplinary authority passed an order of dismissal from service on 01.07.2019. Since an industrial dispute concerning the respondent was pending, the petitioner Corporation filed Approval Petition No.104 of 2019 before the first respondent under Section 33(2)(b) of the Industrial Disputes Act, 1947, seeking approval of the order of dismissal. However, by the impugned order dated 20.05.2022, the first respondent rejected the approval petition. Aggrieved by the said order, the present Writ Petition has been filed.

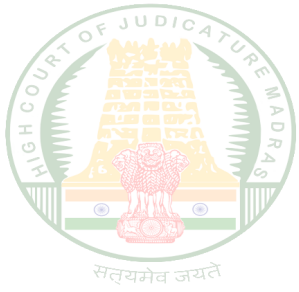
5. The learned counsel for the petitioner further submitted that, during the pendency of the present Writ Petition, the petitioner Corporation, with a view to give a quietus to the dispute, issued proceedings dated 11.10.2024 calling upon the respondent to report for duty. However, the said communication could not be served on the respondent and, consequently, the respondent did not rejoin duty.



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WEB COPY 6. The learned counsel further submitted that the respondent is now about 56 years of age and only about two years of service remain before he attains the age of superannuation. Taking into consideration the long pendency of the litigation, the nature of employment, the age of the respondent, and in order to bring an end to the dispute, the petitioner Corporation is willing to pay a consolidated sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the respondent as full and final settlement of all his claims arising out of the employment, without creating any precedent.

7. The learned counsel appearing for the respondent, on instructions, submitted that the respondent is agreeable to the said proposal, provided the amount is paid within the time stipulated by this Court. It is also submitted that upon receipt of the said amount, the respondent shall treat the matter as fully settled and shall not make any further claim against the petitioner Corporation in respect of his service, including reinstatement, back wages, continuity of service, terminal benefits or any other monetary claim arising out of the subject matter of this Writ Petition.



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WEB COPY 8. Considering the facts and circumstances of the case, the age of the respondent, the prolonged litigation between the parties, and the fair stand taken by the petitioner Corporation, this Court is of the view that the proposed settlement would meet the ends of justice.

9. Accordingly, the petitioner Corporation is directed to pay a sum of Rs. 4,00,000/- (Rupees Four Lakhs only) to the respondent as full and final settlement of all claims within a period of eight (8) weeks from the date of receipt of a copy of this order.

10. On receipt of the aforesaid amount, the respondent shall not raise any further claim against the petitioner Corporation in respect of his employment or the dismissal from service, and the payment shall be treated as full quit and complete settlement between the parties.

11. In view of the above settlement, the impugned order need not be interfered with any further and the dispute between the parties stands closed in terms of the above directions.



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12. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

08.07.2026

NCC : Yes / No
Index : Yes / No
TSG

To
The Special Joint Commissioner of Labour,
O/o. The Joint Commissioner of Labour,
Chennai-6.



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M.DHANDAPANI, J.

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