



W.P(MD)No.15254 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.15254 of 2023

and

WMP (MD) No.12868 of 2023

The General Manager
Tamil Nadu State Transport Corporation
(Madurai) Ltd.
Dindigul Region,
Bye pass Road,
Dindigul.

... Petitioner(s)

vs.

P.Kannaiyan
Tamil Nadu Arasu Pokkuvarathu
Thozhilalar Sangam

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order dated 30.12.2020 passed by the first respondent in I.D.No. 5/2011 as illegal and quash the same.



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For Petitioner : Mr.J.Senthil Kumariah

For R1 : Mr.K.Gokul

ORDER

Assailing the impugned reinstatement order dated 30.12.2020 passed by the first respondent, the present writ petition has been filed by the Transport Corporation.

2. The case of the petitioner is that the respondent/workman claimed to have entered service on 02.01.1997 and that his services were orally terminated on 31.10.1997. Aggrieved by the oral termination, the respondent initially filed W.P.No.17648 of 1998 before this Court and by order dated 13.10.1998, this Court issued a direction to the appropriate authority to consider the case of the petitioner and pass orders. Thereafter, the petitioner Corporation did not provide employment to the respondent. Hence, the respondent again approached this Court in W.P.No.3273 of 1999, wherein liberty was granted to raise an industrial dispute. Pursuant thereto, the respondent raised an industrial dispute in I.D. No.5



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WEB COPY of 2011 on the file of the Labour Court, Tiruchirappalli. The Labour Court, by its award dated 30.12.2020, directed reinstatement of the respondent with 25% back wages. Challenging the said award, the present writ petition has been filed.

3. The learned counsel for the petitioner contended that, even according to the respondent's own pleadings, he had worked only from 02.01.1997 to 31.10.1997 and was not a permanent employee. He was only a temporary/daily-rated employee engaged based on need. There was no regular appointment to any sanctioned post. The Labour Court, without properly appreciating these facts, directed reinstatement with 25% back wages after more than two decades, which is wholly unsustainable.

4.Per contra, the learned counsel appearing for the respondent/workman submitted that the respondent had challenged the oral termination at the earliest point of time and pursuant to the liberty granted by this Court, raised the industrial dispute. After full-fledged adjudication, the Labour Court granted the relief of reinstatement, which does not warrant interference.



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5.The learned counsel for the respondent, however, fairly submitted that the respondent is now about 65 years of age and therefore reinstatement is no longer practicable. It was therefore requested that, in lieu of reinstatement, this Court may award reasonable monetary compensation to the respondent in full and final settlement of his claim.

6. Considering the facts and circumstances of the case, particularly the long lapse of time and the age of the respondent, this Court is of the view that reinstatement is neither feasible nor appropriate. Accordingly, in substitution of the award directing reinstatement, the petitioner Corporation shall pay a compensation of Rs.75,000/- (Rupees Seventy Five Thousand only) to the respondent, as may be determined by this Court, in full and final settlement of all claims, within a period of eight weeks from the date of receipt of a copy of this order, failing which the amount shall carry interest at 8% per annum till the date of realisation.



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7. With the above directions, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

14.07.2026

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

To

The General Manager
Tamil Nadu State Transport Corporation
(Madurai) Ltd.
Dindigul Region,
Bye pass Road,
Dindigul.



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M.DHANDAPANI,J.

PKN

**ORDER MADE IN
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