

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14.9.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN, J.

W.P.No.28764 of 2015

G.Sudharshan

...Petitioner

vs.

The Managing Director,
Tamilnadu Transport Corporation,
Salem Division,
Salem-07.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to implement the order dated 12.12.2014 in AP No.95/2013 passed by Special Deputy Commissioner of Labour, Chennai by considering the representations dated 28.4.2015 and 5.8.2015.

For Petitioner : Mr.S.Ramesh Kumar

For Respondent : Mr.P.Paramasivados

ORDER

By consent, the writ petition itself is taken up for disposal.

2. The petitioner joined service of the respondent corporation as Assistant and acquired 16 years of service and submitted his request to retire voluntarily due to medical reasons, which was rejected. The petitioner would state that the rejection of the request, sought for by the petitioner, without referring to the matter to the Medical Board, is in violation of standing order 24B of the Tamil Nadu State Transport Corporation Limited. Challenging the said order, the petitioner filed W.P.No.17147 of 2012 and while it was pending, the petitioner was issued a show cause notice on 7.9.2012 as to certain delinquencies on his part. The Special Commissioner of Labour, after hearing the respondent and the petitioner, passed an order on 12.12.2014 holding that the order passed by the respondent, rejecting the request to go on voluntary retirement, is against the standing order 24(B) of the Tamil Nadu Transport corporation Limited. Thereafter, the petitioner filed a petition under section 33(2)(b) of the Industrial Dispute Act, 1947 wherein it was held that the petitioner is entitled to voluntary retirement. The respondent-Management challenged the said order in AP No.95 of 2013 and it was

also dismissed on 12.12.2014 and since the order passed by the Special Commissioner of Labour which was also confirmed by the appellate authority, the petitioner submitted a representation on 29.4.2015 to the respondent. Though it was received by the Management, he has not been favoured with any response and hence, he has come up with the present writ petition.

3. Heard Mr.S.Rameshkumar, learned counsel for the petitioner and Mr.P.Paramasivadosh, who accepts notice on behalf of the respondent and submits that the respondent Management is taking steps to file a writ petition challenging the order passed by the appellate authority.

4. However, this court, in the light of the facts and circumstances, directs the respondent to consider and dispose of the petitioner's representation dated 5.8.2015 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

ssk.

To

1. Special Deputy Commissioner of Labour,
Chennai 600 006.
2. The Managing Director,
Tamilnadu Transport Corporation,
Salem Division,
Salem-07.

+1 cc to Mr.P.Paramasivadosh, Advocate (sr.50142)

+1 cc to S.Rameshkumar, Advocate, sr.50076 (12/10/2015)

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ctk(co)

cp 06/10/2015