

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.10.2016

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.A. NO. 1441 OF 2015

1. K.Jayaraj .. Appellant/R2

- Vs -

1. The Tamil Nadu State Transport Corporation (Madurai) Ltd.
Tirunelveli, rep. By its
Managing Director.
2. The Joint Commissioner of Labour
(Conciliation), DMS Compound
Teynampet, Chennai 600 006... Respondents/ Petitioner and R1

Writ Appeal filed against the order dated 27.01.2015, passed by the learned single Judge, made in W.P. No.10527 of 2006.

Petition presented to this court to issue a writ of certiorari calling for the records of the 1st respondent in Approval petition No.85 of 2004 dated 1.6.2005 and quash the same and pass further orders.

For Petitioner : Mr. N.Sundaramurthy

For Respondents : Mr. P.Paramasivadosh for R-1

JUDGMENT

(DELIVERED BY HULUVADI G.RAMESH, J.)

This writ appeal is filed by the appellant against the order passed by the learned single Judge whereby the learned single Judge had ordered only 50% of the backwages to be paid to the appellant with continuity of service. Aggrieved against that portion of the award whereby only 50% of the backwages had been directed to be paid, the appellant is before this Court by filing the present appeal.

2. It is the case of the Transport Corporation that while in

service, the appellant was visited with a charge memo and after conduct of enquiry, the appellant herein was removed from service. The approval petition filed for approving the removal of the appellant from service before the Joint Commissioner (Labour) was answered in the negative against which the Transport Corporation filed a writ petition before this Court. The learned single Judge, after exhaustively hearing both sides, while dismissed the petition, affirming the order passed by the Joint Commissioner (Labour), however, restricted the backwages payable to the appellant at 50%. Aggrieved against that portion of the order of the learned single Judge, wherein the appellant was denied 50% of the backwages, the appellant is before this Court by filing the present appeal.

3. Heard the learned counsel appearing for the appellant and the learned counsel appearing for the first respondent and perused the materials available on record as also the order passed by the learned single Judge.

4. A perusal of the order passed by the learned single Judge reveals that the learned single Judge has considered the case extensively and has arrived at a finding that the order passed by the Joint Commissioner is a well considered one and does not require any interference. However, the learned single Judge, taking into account the fact that the appellant herein had not actually worked, had granted only 50% of the backwages, which this Court feels is completely justified in the facts and circumstances of the case and warrants no interference at the hands of this Court.

5. However, the only contention of the learned counsel for the appellant is that though the Joint Commissioner has held that the Transport Corporation had not paid the one month's salary at the time of dismissal, the said fact has not been gone into by the learned single Judge and, therefore, prays that this Court may direct the Transport Corporation to pay the said one month's wages. On the above question, this Court heard the learned counsel appearing for the Transport Corporation.

6. Having heard the learned counsel for the parties, without going into the merits of the issue of either of the parties and with a view to render substantial justice and there being no perversity with the order passed by the learned single Judge, this Court feels that it would be suffice to direct the Transport Corporation to pay the one month's wages to the appellant herein so as to give a quietus to the matter.

7. Accordingly, this writ appeal is disposed of confirming the order passed by the learned single Judge and further directing the Transport Corporation to pay one month's wages to the appellant herein within a period of two months from the date

of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

GLN

To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Madurai) Ltd.
Tirunelveli.
2. The Joint Commissioner of Labour
(Conciliation), DMS Compound
Teynampet, Chennai 600 006.

1 cc to Mr.P. Paramasivados, Advocate, Sr. 59537
1 cc to Mr.N. Sundaramurthy, Advocate, Sr. 59200

W.A. NO. 1441 OF 2015

NM (CO)

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