

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.466 of 2017  
Against W.P. No 37839/2016.  
and  
C.M.P.No.6865 of 2017

The Management,  
Metropolitan Transport Corporation (Chennai) Ltd.,  
Pallavan Illam, Anna Salai,  
Chennai-600 002. .... Appellant/Petitioner

-vs-

1.D.Ezhilarasan  
2.The Presiding Officer,  
III Additional Labour Court,  
City Civil Court Annexure Buildings,  
High Court Compound,  
Chennai-600 004. ... Respondents/Respondent

Appeal filed under Clause 15 of the Letters Patent, against  
the order passed by this Court in W.P.No.37839 of 2016 dated  
01.11.2016.

Prayer in W.P. No 37839/2016:

This Writ petition filed under Article 226 of the  
constitution of India praying for the issuance of A Writ of  
Certiorari to call for the records pertaining to the order  
passed in C.P. No 1578/2010 dated 18.03.2016 on the file of the  
2<sup>nd</sup> Respondent herein and quash the same.

For Appellant :: Mr.P.Paramasiva Doss  
For Respondents:: Mr.S.T.Varadarajulu for R1

JUDGMENT

(Judgment of the Court was delivered by  
HULUVADI G.RAMESH, J.)

The first respondent was appointed as Conductor on  
31.12.1996 in the appellant Transport Corporation. It appears  
that while the first respondent was on duty on 09.11.2006 in Bus

Route No.G-18H, on inspection, it was found that there was resale of tickets. The authorities have also found certain irregularities in issuing the tickets to the passengers by the first respondent. The matter ended in the termination of the employee on 17.06.2008. Against the order of dismissal, he filed a Computation Petition in C.P.No.1578 of 2010 seeking for payment of Rs.3,64,780.75 before the Labour Court /second respondent on the ground that there was no approval obtained before dismissing him from service and the Labour Court passed an order directing the Management to pay a sum of Rs.3,28,690/-. Challenging the same, the Management filed a writ petition in W.P.No.37839 of 2016 and the same was dismissed. Hence this writ appeal.

2.We have heard the submissions made on either side and perused the materials available on record.

3.It appears that the Labour Court has issued some positive directions in favour of the workman. But the workman kept silent without seeking for reinstatement. It is seen that till now he has not attained the age of superannuation. Having regard to the nature of offence and also taking note of the fact that no approval has been obtained before dismissing the workman from service, the Labour Court has taken a decision ordering to pay a sum of Rs.3,28,690/- to the workman. This Court finds some substance in the order passed by the Labour Court.

4.In view of the above stated circumstances, this Court directs the appellant to reinstate the first respondent within a period of three months from today. However, it is made clear that the first respondent / workman is not entitled for backwages from the date of dismissal till the date of reinstatement on the basis of 'no work no pay'. But there will be continuity of service for the said period, for the purpose of pension and other terminal benefits.

5.The writ appeal is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Presiding Officer,  
III Additional Labour Court,  
City Civil Court Annexure Buildings,  
High Court Compound,  
Chennai-600 004.
  2. The Management,  
Metropolitan Transport Corporation (Chennai) Ltd.,  
Pallavan Illam, Anna Salai,  
Chennai-600 002.
  3. The Managing Director  
Metropolitan Transport Corporation (Chennai) Ltd.,  
Pallavan Illam, Anna Salai,  
Chennai-600 002.
  4. The Registrar General , High Court, Madras.
- +1 CC to Mr.P. Paramasivados, Advocate sr 79945.  
+1 CC to Mr.S.T. Varadarajulu, Advocate sr 79630.



W.A.No.466 of 2017  
and  
C.M.P.No.6865 of 2017

RJ(CO)  
SP(04/12/2017)

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