

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26036 of 2017

K.Kandavel

.. Petitioner

-vs-

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602
2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Villupuram Region, Villupuram .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to reinstate the petitioner with all attendant benefits based on the proceeding of the Labour Commissioner C1/027221/2015 dated 17.12.2015.

For Petitioner :: Mr.M.Selvam

For Respondents :: Mr.P.Paramasivados

ORDER

The petitioner was appointed as Conductor by the General Manager of Tamil Nadu State Transport Corporation (Villupuram) Limited by his proceedings bearing Ku.Ka.No.183/12360/Nee 5/TNSTC Vil/2010 dated 13.1.2011 pursuant to the selection list provided by the employment office. Subsequently, he was also assigned duty and worked as a reserve crew. After sometime, the second respondent by proceedings bearing Se.Mu.B.No.104/14880/Nee 5/TNSTC (Vil)/2012 dated 29.8.2012 appointed him as Conductor on daily wage basis with CR No.5675. Thereafter, he developed acute kidney problems and due to excruciating pain in his abdomen, he was unable to continue the job. Therefore, he was subjected to domestic enquiry and finally he was terminated from service on 28.8.2015. When the respondent Corporation filed an application under Section 33(2)

(b) of the Industrial Disputes Act seeking approval of the punishment before the Commissioner of Labour, Chennai, he has turned down the request on 17.12.2015 without assigning any reason. That shows that the petitioner is entitled to get back his job, the learned counsel pleaded.

2. But this Court is unable to accept the said submission. Admittedly, the petitioner was out of job from 2013 onwards, till the impugned order was passed by the Commissioner of Labour, Chennai. Even the order dated 17.12.2015 passed by the Commissioner of Labour, Chennai does not carry any reason whatsoever on the application filed by the respondent Corporation under Section 33(2)(b) of the Industrial Disputes Act as to the merits of the dispute. Without assigning any reason, no application seeking approval can be rejected. Therefore, this Court is unable to accede to the petitioner's prayer. Accordingly, the writ petition fails and it is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602

2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Villupuram Region, Villupuram

+1 cc to Mr.M.Selvam Advocate sr 71622

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