



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.02.2017

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 3022 of 2017

WEB COPY

S.V. Natesan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to reinstate the petitioner with continuity of service with backwages and all other attendant and monetary and other service benefits in the light of the order passed by the approval authority in A.P.No.274 of 2012 dated 18.07.2016 rejecting the approval petition filed by the respondents.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.A.P.Muthupandian

O R D E R

The petitioner seeks for Writ of Mandamus, directing the respondents to reinstate the petitioner with continuity of service with back-wages and all other attendant, monetary and service benefits in the light of the order passed by the approval authority in A.P.No.274 of 2012 dated 18.07.2016 rejecting the approval petition filed by the respondents.

2. The case of the petitioner is that he was appointed as Conductor in the respondents Corporation till the date of dismissal on 25.09.2012 for his un-authorized absence. After dismissal from service, an approval petition in A.P.No.274 of 2012 under Section 33(2)(b) of the Industrial Disputes Act, 1947 was filed and on 18.07.2016 the Approval Authority after hearing the arguments on either side, rejected the said petition and that the order of dismissal is not in existence in the eye of law.

3. The grievance of the petitioner is that after dismissal of the approval petition, the petitioner is entitled for wages from the date of dismissal of the approval petition. It is the further contention of the petitioner that in similar circumstances, this Court in W.P.(MD) No.1228 of 2014 by order dated 26.02.2014 allowed the writ petition directing the respondents Corporation to



reinstate the petitioner therein with continuity of service and other consequential benefits.

4. When the matter is taken up for hearing, Mr. A.P. Muthupandian, learned counsel appearing for the respondents submitted that the petitioner will be reinstated in service within a period of two weeks. He has also submitted that if the petitioner is not reinstated in service, he would be entitled for monthly wages from the date of order the approval petition in A.P.No.274 of 2012 dated 18.07.2016.

5. Recording the statement made by the learned counsel appearing for the respondents Corporation and in view of the similar order passed in W.P.(MD)No.1228 of 2014, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai.

+1cc to Mr. S. Govindan, Advocate, SR.11431

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NBJ

KK-SV-SAR3-11.05.2017-2P-4C