



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.18262 of 2016

N.Murugesan

: Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to reinstate the petitioner with continuity of service with Back Wages 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.212 of 2011 dated 09.01.2015 rejecting the Approval Petition filed by the respondents.

For Petitioner : Mr.A.Rahul
for Mr.S.Govindan

For Respondents : Mr.D.Sivaraman

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to reinstate the petitioner with continuity of service with Backwages and all other attendant benefits in the light of the order passed by the Approval Authority in A.P.No.212 of 2011, dated 09.01.2015, rejecting the Approval Petition filed by the respondents.

2.Heard the learned counsel appearing for the petitioner and the learned counsel who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.



3.The case of the petitioner is that the petitioner was appointed as Conductor in the respondent Corporation. The respondent Corporation dismissed him from service on 06.07.2011, alleging unauthorised absence. After dismissal, the respondents sent an Approval Petition to the Special Deputy Commissioner of Labour, Chennai and the same was numbered as A.P.No.212 of 2011 and the said authority denied the approval. Even thereafter, the respondents failed to reinstate the petitioner into service. Hence, he sent representations on 15.10.2015 and on 21.08.2016 and there was no response. Therefore, this writ petition has been filed.

4.The learned counsel for the petitioner would rely upon the decision of the **Hon'ble Supreme Court in T.N.State Transport Corporation v. Neethivilangan, Kumbakonam** reported in **(2001)9 Supreme Court Cases 99**, where-under, it has been held that the respondent was bound to treat the petitioner as continuing in service with all consequential benefits, once the approval petition is rejected.

5.The learned counsel for the respondent would submit that challenging the rejection order passed by the Approval Authority, the respondents are intending to file a writ petition and it is going to be filed shortly.

6.Be that as it may, even if the writ petition is filed and if it is entertained and if it is allowed, what will happen till then, is the issue to be considered.

7.Therefore the respondents are directed to reinstate the petitioner in service, **(*) on or before 28.02.2017** which would be subject to the result of the writ petition, to be filed by the respondents, against the order of the Approval Authority. The other claim of the petitioner is left open to be decided in the writ petition to be filed by the respondent.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-I)

**(*) corrected order dated 02.02.2017
made in WP.(MD).No.18262/2016**

/True Copy/

Sub Assistant Registrar



To

To be substituted do the order already despatched on 22.11.2016

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

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

+1 cc to MR.S.GOVINDAN, Advocate SR.No.65046

+1 cc to MR.D.SIVARAMAN, Advocate SR.No.65553

**ORDER MADE IN
W.P (MD) No.18262 of 2016
02.11.2016**

**SMA/GSV-PM/17.11.2016:2P/5C
JS/CM-MSA/09.02.2017:3P/5C**