



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2017

CORAM:

THE HONOURABLE **MR. JUSTICE S. VAIDYANATHAN**

W.P. (MD) No. 802 of 2017

and

W.M.P. (MD) No. 646 of 2017

Dasarathan

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbagonam Ltd.,
Trichy Regional,
Periyamilaguparai,
Trichy.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Theeran Chinnamalai Nagar Branch,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in TNSTC/ Kumb/ Trichy/ D2/ 7540/ 2012 dated 23.06.2016 passed by the respondent No.1 and quash the same as illegal, consequently directing the Respondents to provide employment to the petitioner.

For Petitioner	:	Mr.S.M.A.Jinnah
For Respondents	:	Mr.D.Sivaraman

O R D E R

The petitioner has filed this writ petition challenging the order of the first respondent dated 23.06.2016 and to direct the respondents to provide employment to the petitioner.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner was terminated from service and inspite of several representations, the respondents took four years time to pass the order of termination and therefore, the petitioner has preferred the same was also dismissed on 23.06.2016 by means of a cryptic order.



4.A glance of the proceedings would clear that detail enquiry has been conducted and after affording an opportunity, the petitioner was dismissed from service for the proved misconduct. Since the detail order has been passed by the original authority, there is no need for the appellate authority to pass a detail order, when he is concurring the finding of the original authority. Even assuming that the appellate order is erroneous, admittedly, the petitioner was dismissed from service for proved misconduct. As he is a workman under Section 2(s) of the Industrial Disputes Act, 1947, the petitioner can agitate all the points available to him before the Industrial Forum, in case he raises the Industrial Dispute before the authority within the time frame. The observations made in this order touching the merits of the matter is only for the purpose of disposal of the writ petition and the Industrial adjudicator may decide the issue independently without being influenced by any of the observations made in this order.

5.With the above observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbagonam Ltd., Trichy Regional,
Periyamilaguparai, Trichy.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Theeran Chinnamalai Nagar Branch,
Trichy District.

+1 cc to Mr. D.SIVARAMAN, Advocate, Sr.No:3117

Rj2

MAS/SV-MMS:02.02.2017:2P/4C

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