

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP NO.20511 OF 2017

IN WP.7167 OF 2017

W.GURUSAMY

[PETITIONER]

Vs

1 THE MANAGEMENT, [RESPONDENTS]
STATE EXPRESS TRANSPORT CORPORATION TN LTD.,
PALLAVAN SALAI, CHENNAI - 600 002.

2 THE SPECIAL DEPUTY
COMMISSIONER OF LABOUR,
TEYNAMPET, CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

Direct the Writ Petitioner Corporation to pay the petitioner the entire back wages and other attendant benefits and all also all the terminal benefits (in WMP.No.20511/17) pending disposal of the Writ Petition 7167/18.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.KRISHNASWAMY Advocate for the petitioner and of MR.R.P.PRATHAP SINGH Advocate on behalf of the 1st respondent the court made the following order:-

The writ petitioner-management has filed this writ petition challenging the order of the first respondent to the writ petition refusing to accord approval for the dismissal of the second respondent.

2. As it appears, after refusal of such approval, the employees should have been taken back to service, but he was not taken back to service by the management and the said order has been challenged in this writ petition. In the meanwhile, the employee has retired from service on his attaining the age of superannuation. Hence, a prayer has been made in this WMP to direct the writ petitioner-management to pay the entire back wages and the attendant benefits as well as the terminal benefits.

3. Heard the counsel appearing for the parties.

4. Considering the facts and the submissions made by the counsel appearing for the parties, even though Section 17-B of the Industrial Disputes Act, 1947 cannot be pressed into service in this case but taking note of the said provision and also the power of the Court under Article 226 of the Constitution, this Court directs the writ petitioner-management to pay an amount of Rs.2 lakhs to the petitioner/second respondent by 30.4.2018 with an Account Payee Cheque/Bank Draft.

5. With the aforesaid direction, this WMP stands disposed of.

-sd/-
20/03/2018
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE MANAGEMENT,
STATE EXPRESS TRANSPORT CORPORATION TN LTD.,
PALLAVAN SALAI, CHENNAI - 600 002.

2 THE SPECIAL DEPUTY
COMMISSIONER OF LABOUR, TEYNAMPET, CHENNAI.

C.C. to M/S.R.PRATHAP SINGH Advocate SR.No.3515

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.20511/2017

in
WP.7167/2017

Date :20/03/2018

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SDR 23.03.2018