

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.889 of 2018
and
C.M.P.No.7737 of 2018

The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd
Vazhuthareddy Salamedu
Villupuram Region Villupuram- 605 602 Appellant

Versus

1 S.Sekar
2 The Special Deputy Commissioner
of Labour
D.M.S.Compound Chennai Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 29.6.2017 passed in W.M.P.No.8606 of 2017 in W.P.No.364 of 2017 on the file of this court.

PRAYER IN W.M.P.NO.8606 OF 2017 IN W.P.NO.364 OF 2017:
To Direct the Management (Petitioner) to deposit the amount of Rs.8,58,510/- which is the amount due to the Petitioner in C.P. No.25 of 2016.

PRAYER IN W.P.NO.364 OF 2017:
To call for the records of the 2nd Respondent made in A.P. No.257/ 2012 dated 12.10.2015 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

For appellant : Mr.K.Vasanthamala for
Mr.A.Antony Arockiaraja

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and perused the order passed by the learned Single Judge.

2. The writ appeal has been filed by the Transport Corporation challenging the interim order passed by the learned Single Judge in the writ petition filed by them as against the order of the Labour Court declining to grant approval of the order of termination of services of the first respondent herein passed by the disciplinary authority.

3. It appears that when the matter was before the respondent-authority for approval of the order passed by the disciplinary authority, the same was dismissed against which, the writ petition was filed. The learned Single Judge, taking note of the fact that though the order of termination has not been approved by the Labour Court, the workman is not able to enjoy the benefits of the order declining approval, found that the workman is entitled to backwages on the basis of his entitlement and considering the fact that there is a claim to the tune of Rs.8,58,510/-, directed the appellant to pay a sum of Rs.3,00,000/- to the workman while granting stay sought for by the appellant-Transport Corporation.

4. We do not find any reason to interfere with the order passed by the learned Single Judge. The writ appeal is dismissed. However, it is for the appellant to comply with the order passed by the learned Single Judge and contest the case on merits. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ssk.
To:

1. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd
Vazhuthareddy Salamedu
Villupuram Region Villupuram- 605 602
- 2 The Special Deputy Commissioner
of Labour, D.M.S.Compound Chennai.

+1cc to Mr.A.ANTONY AROCKIARAJ, Advocate, S.R.No.29225

W.A.No.889 of 2018

SKV(CO)
TR(16/05/2018)