

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.38142 of 2003

The Management,
TamilNadu State Transport Corporation
Madurai Division -IV Limited,
Dindugal - 624 004.

.. Petitioner

Vs.

1. The Commissioner of Labour,
Tenampet, Chennai.

2. P.Velan,
TNSTC -Driver

.. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, call for the records from the file of the first respondent herein in Approval Petition No.16/2003 in the matter of reference No C1/18591/02 and to quash the order passed thereon dated 31.03.2003.

For Petitioner : Mr.S.Jayaraman

For Respondents : Mr.M.Elumalai for R1
Government Advocate

सत्यमेव जयते : Mr.V.Ajaykhose for R2

O R D E R

Challenging the Order passed by the Commissioner of Labour made in Approval Petition No.16 of 2003 in I.D.No.C1/18591 of 2002 under Section 33(2)(b) of the Industrial Disputes Act, 1947, the Management has filed this writ petition.

2. It is the case of the petitioner that the second respondent was working as a driver in the petitioner corporation and he was dismissed from the services of the Corporation for the charges proved against him vide office order

L.D.A2/2122 dated 06.02.2003, seeking approval of the Order of dismissal, the management has filed the application under Section 33(2)(b) of the Industrial Disputes Act, 1947 in Approval Petition No.16 of 2003 in I.D.No.C1/18591 of 2002.

3. The Commissioner of Labour, Tenampet, Chennai-6 was rejected the said application by stating that action of the petitioner's Management in dismissing the opposite party Thiru. P.Velan, T.N.S.T.C. Driver - TN051861 from the services of the petitioner's Management is not justifiable.

4. It is represented by the Government Advocate for the first respondent that at the time of filing the writ petition, the second respondent was aged about 54 years. Now, after 15 years the relief sought for has become infructuous.

5. It is an admitted fact that the management's application was rejected by the Commissioner and the second respondent was reinstated and by this time he would have retired from service. Hence nothing survives in the petition for adjudication.

In the result, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vv
To

The Commissioner of Labour,
Tenampet, Chennai.

+1cc to Mr.V.Ajaykhose, Advocate sr.no.39872
+1cc to The Government Pleader sr.no.40996

W.P.No.38142 of 2003

nr 24/07/2018