



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2018

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CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.16167 of 2018

and

W.M.P.(MD) No.14399 of 2018

K.Annadurai

... Petitioner

Vs.

The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Rep., by its General Manager,
Virudhunagar Region,
Virudhunagar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to reinstate the petitioner in service in the post Conductor at the respondent corporation with continuity of service and back wages payable to the petitioner with effect from 13.03.2015 with all other attendant benefits in the light of the order passed by the Special Deputy Commissioner of Labour, Chennai dated 23.08.2017 passed in A.P.No.44 of 2015 in rejecting the petition for approval of the order of dismissal from service filed by the respondent under Section 33(2) (b) of Industrial Disputes Act, 1947.

For Petitioner : Mr.A.Rahul
For Respondent : Mr.A.P.Muthupandian,
Standing Counsel.

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondent to reinstate the petitioner in service, in the post Conductor at the respondent Corporation with continuity of service and back wages payable to the petitioner with effect from 13.03.2015 with all other attendant benefits in the light of the order passed by the Special Deputy Commissioner of Labour, Chennai dated 23.08.2017 passed in A.P.No.44 of 2015 in rejecting the petition for approval of the order of dismissal from



service filed by the respondent under Section 33(2)(b) of Industrial Disputes Act, 1947.

2. Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.A.P.Muthupandian, learned standing counsel appearing for the respondents.

3. The petitioner was working as Conductor at the respondent Corporation w.e.f., 23.02.2011. In order to get the approval for dismissal from services of the petitioner, the respondent Corporation filed an approval petition before the Special Deputy Commissioner for Labour, Chennai, which was taken on file in A.P.No.44 of 2015. The Special Deputy Commissioner for Labour, Chennai vide an order dated 23.08.2017 rejected the request of the respondent Corporation to approve the said dismissal inflicted on the petitioner. In view of the said rejection given by the Special Deputy Commissioner for Labour, the petitioner shall be deemed to be in service. However, the petitioner has made a request on 20.07.2018 to the respondent Corporation and the said representation, since has not been considered so far, the petitioner has filed this Writ Petition.

4. In this regard, the learned counsel appearing for the petitioner would submit that, the representation made by the petitioner dated 20.07.2018 to the respondent Corporation may be directed to be disposed of at the earliest, within a time frame, on merits and in accordance with law, with that, the petitioner would be satisfied.

5. I have heard Mr.A.P.Muthupandian, learned standing counsel appearing for the respondent, who would submit that, the said representation of the petitioner dated 20.07.2018 would be considered on merits and in accordance with law and an order to that effect would be passed, within a time frame, that may be fixed by this Court.

6. Considering the said submissions made by the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondent and by taking into account the factual matrix of the case, this Court is inclined to pass the following orders:-

"that the respondent shall consider the representation of the petitioner dated 20.07.2018 on merits and in accordance with law and pass orders thereon, with regard to the grievances of the petitioner for taking him back for duty and the said order shall be passed within a period of four weeks from the date of receipt of a copy of this order."



7. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P. (MD) No.14399 of 2018 is closed.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The General manager,
Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 74637

STS
TE/RP/SAR-1 : 07/08/2018 : 3P/3C

Order made in
W.P. (MD) No.16167 of 2018
24.07.2018