



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.03.2018
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P.(MD).No.995 of 2015

WEB COPY

V.Kulanthai Velusamy

...Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Madurai.

2.The Management of
Pandian Road Ways Corporation Limited,
Now renamed as
Tamil Nadu State Transport Corporation (Madurai) Limited,
Represented by its Managing Director, Bye-Pass Road,
Madurai-10.
...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the first respondent Labour Court relating to the impugned award dated 03.07.2001 passed by the first respondent in I.D.No.254 of 1994, quash the same and consequently to direct the second respondent to reinstate the petitioner in service with back wages and continuity of service and all other attendant benefits.

For Petitioner : Mr.S.Arunachalam
For R1 : Labour Court
For R2 : Mr.A.Jeyaram

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was appointed as a Driver in the respondent/Corporation. He faced twin charges. The first was that he allowed the co-worker to drive the bus that was allotted to him. The other charge was he caused an accident. The petitioner was dismissed from service way back on 28.11.1993. But, then I.d.No.254 of 1994 came to be filed. The Labour Court by award dated 03.07.2001 upheld the order of dismissal. Questioning the same, this Writ Petition came to be filed.

<https://hcservices.courtservice.in/hcservices>
3.The learned counsel appearing for the Management pointed out that the petition is grossly hit by laches. It was also contended that the worker himself accepted the charges framed against him

and that considering the seriousness of the order of dismissal was rightly sustained, he prayed for dismissal of the Writ Petition.

4. This Court is of the view that the punishment of dismissal is grossly disproportionate to the charges framed against the writ petitioner. The accident in question is not a fatal one. He also pointed out that there was no loss of revenue to the Management. Even a dismissed employee would be entitled to certain benefits. Since there is a delay of 14 years in filing the Writ Petition, the learned counsel appearing for the petitioner submitted that he would withdraw his interest claim. Taking note of the circumstances, this Court is of the view that the petitioner can be deemed to have been relieved from service with effect from 28.11.1993, instead of being dismissed. The Management shall quantify the funds namely Provident Fund and Gratuity payable to the petitioner on that date. The said amount shall be paid to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the petitioner himself has given up the claim on interest.

6. With these directions, the Writ Petition stand allowed. No costs.

Sd/
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To
The Presiding Officer,
Labour Court, Madurai.

+1cc to Mr.S.ARUNACHALAM, Advocate, SR.No.56520

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KK/RSK/SAR-2/13.07.2018/2P-3C/