



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.12.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.214 of 2016

WEB COPY

P.Singaravelan

... Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd,
Kumbakonam Region,
Rep.by its General Manager,
Kumbakonam.

... Respondent

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to reinstate the petitioner with continuity of service, back wages from 21.02.2003 and all other attendant benefits as per order of the Authority dated 10.01.2016 in Approval Application No.425/03 passed U/s 33(2) (b) of the I.D Act as upheld by this Court.

For Petitioner : Mr.S.Arunachalam for
Mr.RM.Sivakumar
For Respondent : Mr.D.Sivaraman

ORDER

The petitioner was employed as a Conductor in the respondent corporation. It was alleged that he committed misappropriation. Therefore, charge memo was issued and domestic enquiry was conducted. He was finally dismissed from service by order dated 02.02.2003. The management filed a petition under Section 33(2)(b) of the Industrial Disputes Act, 1947 seeking approval. The Joint Commissioner of Labour declined to grant approval. The application seeking approval filed by the management was dismissed on 10.01.2006. The management unsuccessfully challenged the same in WP (MD)No.28399 of 2007. Even though the writ petition filed by the management suffered a dismissal, the management did not reinstate the petitioner herein in service. Therefore, the present writ petition came to be filed for reinstatement with continuity of service and all other benefits.

2.It is seen that till November 2017, the petitioner herein was paid his last drawn wages. It also appears that in November 2017, a settlement was entered into between the petitioner herein and the respondent management. Taking note of the same, this Court passes the following order :



(i)The respondent shall reinstate the petitioner in service within a period of four weeks from the date of receipt of a copy of this order.

(ii)The petitioner has been paid his last drawn wages till November, 2017. He shall not make any claim for difference in wages. In fact, this aspect of the matter has already been accepted by the petitioner. The management agrees to pay employer's contribution for the non employment period to the pension trust.

(iii)The management is directed to pay last drawn wages from December 2017 till his reinstatement which shall be not later than four weeks from the date of receipt of a copy of this order.

(iv)The petitioner is entitled to continuity of service and other notional benefits. This order has been passed based on the submission made by the learned standing counsel for the respondent that the petitioner was paid his last drawn wages till November 2017. In any event, this payment is only a matter of record. If it emerges that the last drawn wages was stopped much earlier, it goes without saying that the management shall pay arrears to the petitioner from the date when it was stopped till the reinstatement which shall be not later than four weeks from the date of receipt of a copy of this order.

3.This writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd,
Kumbakonam Region,
Kumbakonam.

+1CC to Mr.R.M.Sivakumar, Advocate, SR.No.99062

+1CC to Mr.D.Sivaraman, Advocate, SR.No.98987

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SKM

ES/SKN/RSK/SAR 1/07.12.2018/2P/4C