

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.28499 of 2019

S.Murugan

..Petitioner

vs

1.The Tamil Nadu State Transport
Corporation (Villupuram) Limited
Rep. by the Managing Director
3/137, Salamedu
Valudhareddy post
Villupuram - 605 602.

2.The Tamil Nadu State Transport
Corporation (Villupuram) Limited
Rep. by the General Manager
Kancheepuram Regional Office
Karapettai
Chennai-Bengaluru Highway
Kancheepuram - 631 552.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to issue duty permission order to the petitioner immediately with all fringe benefits as if the petitioner is in continuous service from the date of his appointment to till date taking into consideration of the fact that the order of dismissal by the respondents became ineffective from the date it was passed as approval for the same was refused by the Authority on 25.07.2018 through Approval Petition No.353/2013 under Section 33(2) (b) of the Industrial Disputes Act, 1947 by considering and passing orders on the representation of the petitioner dated 05.10.2018.

For Petitioner : Mr.N.Ishak

For Respondents : Mr.A.Antony Arockiaraj

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to issue duty permission order to the petitioner immediately with all fringe benefits as if the petitioner is in continuous service from the date of his appointment to till date taking into consideration of the fact that the order of dismissal by the respondents became ineffective from the date it was passed as approval for the same was refused by the Authority on 25.07.2018 through Approval Petition No.353/2013 under Section 33(2)(b) of the Industrial Disputes Act, 1947 by considering and passing orders on the representation of the petitioner dated 05.10.2018.

2. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he was appointed as Junior Tradesman in Metropolitan Transport Corporation, Chennai, in the year 1998. He got absorbed into service from November 2000. The respondents Transport Corporation permitted the petitioner to work at its Madurantagam branch as Assistant Tradesman with staff No.21268. In May 2013, the petitioner met with an accident and availed leave from 30.05.2013 under intimation to the authorities of the respondents. When the petitioner returned for duty, his employment was denied. On 27.08.2013, Legal Manager, Kancheepuram Regional Office issued charge memo and referred the petitioner for domestic enquiry. In September 2013, domestic enquiry was completed on the very first day itself. On 23.09.2013, Enquiry Officer furnished the enquiry findings. On 01.10.2013, show cause notice for dismissal was issued. On 04.10.2013, the petitioner has submitted his explanation. Finally, the petitioner was dismissed from service on 04.12.2013. Thereafter, the respondents filed approval petition under Section 33(2)(B) of the Industrial Disputes Act before the Commissioner of Labour, Chennai. On 25.07.2018, the Authority refused approval for dismissal. Even thereafter, the respondents have not permitted the petitioner to join duty. Therefore, the petitioner has made a representation dated 05.10.2018. However, the petitioner's representation was not considered by the respondents till date. Hence this writ petition.

4. Learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation and pass appropriate orders within the reasonable time.

5. Learned counsel appearing for the respondents would concede the request made by the learned counsel for the petitioner.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the respondents to consider the petitioner's representation dated 05.10.2018 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Tamil Nadu State Transport Corporation (Villupuram) Limited
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Villupuram - 605 602.

2.The Tamil Nadu State Transport Corporation (Villupuram) Limited
Rep. by the General Manager
Kancheepuram Regional Office
Karapettai
Chennai-Bengaluru Highway
Kancheepuram - 631 552.

+1cc to Mr.A.Antony Arockiaraj , Advocate SR.No. 84198

+1cc to Mr.Ishak , Advocate SR.No. 82933

W.P.No.28499 of 2019

A.SK(08/11/2019)