



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14288 of 2015

R.Muthusamy

... Petitioner

-vs-

1. The Special Deputy Commissioner of Labour
Teynampet,
Chennai - 18.

2. The Management
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem 636 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records connected with the order dated 19.07.2013 passed by the 1st respondent in A.P.No.83/2012, quash the same and consequently direct the 2nd respondent to re-instate the petitioner with continuity of service, back wages and all other attendant benefits.

For Petitioner : Mr.M.Subramaniam
for Ms.S.Girija

For Respondents : Mr.D.Raghu for R2

ORDER

This Writ Petition has been filed, challenging the order dated 19.07.2013, passed by the 1st Respondent / Authority in Approval Petition No.83 of 2011, by which approval was granted for his dismissal.

2. It is represented by the learned counsel for the petitioner / employee that, the employee joined the services of the Second respondent / Transport Corporation as a Conductor. Charge memo dated 16.04.2010 had been served on the petitioner for unauthorised absence from 22.01.2010 and after conducting farcical enquiry, he was dismissed from service on 28.02.2011.

3. It is seen that, the order of dismissal of the Petitioner was approved by the Authority / 1st Respondent herein, on the ground that, the Employee failed to adduce both



oral and documentary evidence to disprove the allegations levelled against him.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner / employee submitted that, the petitioner / employee accepted the proposal given by the Government vide Letter No.5370/C2/2021, dated 24.07.2021 in respect of Clause No.2(i) alone. For better appreciation, the said clause is extracted hereunder:

2. There were 283 cases, except TNSTC (MDU) placed before the Board for discussion. After detailed deliberations, the following decisions were taken:

(i) In respect of Ex-employees having required qualifying service for pension under 1998 Scheme to go on compulsory retirement on the date of dismissal and to allow eligible retirement benefits as per Rules in force.

5. Taking note of the submissions of the learned counsel on either side and as the petitioner / employee has agreed to accept clause 2(i) of the proposal made by the Government, the petitioner / employee is permitted to go on compulsory retirement on the date of dismissal and he is entitled to eligible retirement benefits, such as Gratuity, Pension and Provident Fund, as per the Rules in force.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Special Deputy Commissioner of Labour
Teynampet,
Chennai - 18.

2. The Management
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12,Ramakrishna Road, Salem 636 007.

+1 cc to Mr.D.Raghu, Advocate Sr.NO.37044

+1 cc to Ms.S.Girija, Advocate Sr.NO. 37822

W.P.No.14288 of 2015

GSM(CO)

A.SK(08.12.2021)