



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.25294 OF 2015

The Management,
Tamilnadu State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai - 2,
rep. by its Managing Director ... Petitioner

vs.

1. S.Sadhasivam
2. The Special Deputy Commissioner of Labour,
DMS Compound,
Chennai 600 006. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records of the 2nd Respondent made in A.P.No.18 of 2009 on 26.11.2013 and consequently, quash the same.

For Petitioner : Mr.K.Kathiresan
For 2nd Respondent : Mr.V.Ajoy Khose
For 1st Respondent : No Appearance

O R D E R

Petitioner/Transport Corporation has come up with this Writ Petition challenging the order dated 26.11.2013 passed by the 2nd Respondent/Authority in Approval Petition No.18 of 2009.

2. It is represented by the learned counsel for the Petitioner/Transport Corporation that, the 1st Respondent/employee joined the services of the Petitioner/Transport Corporation as a daily paid Conductor. As the 1st Respondent/employee absented himself from duty from 03.12.2007, a Charge Memo was issued to him on 07.02.2008 calling for explanation. Thereafter, he was dismissed from service vide order dated 31.10.2009 and he was paid one month wages of Rs.10,989/- by means of a cheque.



3. It is seen that, the Labour Court rejected the Approval Petition filed by the Petitioner/Transport Corporation on 26.11.2013 on the sole ground that, there was no prima facie case made out for the charges framed against the 1st Respondent/employee.

4. Learned counsel for the Petitioner/Transport Corporation contended that, the decision taken by the Authority is beyond his scope and it is not in consonance with the guidelines framed by the Apex Court in the decision rendered in the case of Lalla Ram vs. Management of D.C.M. Chemical Works Ltd., reported in AIR 1978 SC 1004.

5. Today, when the matter is taken up for hearing, learned counsel appearing for the 1st Respondent/employee submitted that, the 1st Respondent 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.

6. Taking note of the submissions of the learned counsel on either side and as the 1st Respondent/employee has agreed to accept clause 2(i) of the proposal made by the Government, the 1st Respondent/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.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

(aeb)



To:

The Special Deputy Commissioner of Labour,
DMS Compound, Chennai 600 006.

+1cc to Mr.K.Kathiresan, Advocate, S.R.No.37443

W.P.No.25294 of 2015

SR(CO)
PM/17/09/2021