



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.27526 of 2015

The Management,
State Express Transport Corporation,
Pallavan Salai,
Chennai 600 002.

... Petitioner

vs.

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

2. K.Bhaskaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the records in the order dated 07.07.2014 in Approval Petition No.83 of 2012 on the file of the Special Deputy Commissioner of Labour, Teynampet, Chennai and to quash the same and consequently allow the Approval Petition.

For Petitioner : Mr.K.Kathiresan

For 2nd Respondent : Mr.V.Ajoy Khose

O R D E R

Petitioner/Transport Corporation has come up with this Writ Petition challenging the order dated 07.07.2014 passed by the 1st Respondent/Authority in Approval Petition No.83 of 2012.

2. It is represented by the learned counsel for the Petitioner/Transport Corporation that, the 2nd Respondent/employee, who was working as a Driver, did not report duty from 06.07.2011 onwards and hence, after issuance of Show Cause Notice to him, he was dismissed from service vide order dated 05.03.2012 and he was paid one month salary of Rs.16,406/- by means of a cheque.



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3. It is seen that, the Labour Court rejected the Approval Petition filed by the Petitioner/Transport Corporation on the ground that, the case against the 2nd Respondent/employee is prima facie not proved and that, he had not been given one month full salary.

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 2nd Respondent/employee submitted that, the 2nd Respondent/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.

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

//True Copy//

Sub Assistant Registrar

(aeb)



To
The Special Deputy Commissioner of Labour,
Teynampet, Chennai.

+1CC to Mr.V.Ajoykhose, Advocate, Sr.No.37144
+1CC to Mr.K.Kathiresan, Advocate, Sr.No.37442

W.P.No.27526 of 2015

PL (CO)
K.RK. (15.09.2021)