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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

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THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.NO.8956 OF 2018

AND

W.M.P.NO.10812 OF 2018

The Management,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Erode - 638001.
Represented by General Manager.

... Petitioner

.Vs.

1. The Presiding Officer,
Labour Court,
Salem.

2. L.Ramamoorthy

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of Constitution of India for writ of Certiorari, calling for the records of the 1st respondent made in ID.No.213 of 2006 dated 06.12.2012 consequently quash the same.

For Petitioner : Mr.A.Sundaravadanam

For Respondents : Mr.R.M.D.Nasrullah
For Mr.K.V.Shanmuganathan - R2

ORDER

The petitioner/Transport Corporation is aggrieved against the award of the Labour Court, Salem, whereby by the termination order of the 2nd respondent was set aside and he was directed to be reinstated back into service, together with 20% of the back wages and continuity of service. The management has predominantly raised a ground that the 2nd respondent herein had involved himself in several irregularities earlier and was also imposed with punishments, which have not been properly



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appreciated by the Labour Court. The Labour Court had apparently taken the merits of the case into consideration and proportionately reduced the back wages by restricting it to 20% alone. As such, the grounds raised by the petitioner-corporation may not have merits.

2. At this juncture, the 2nd respondent herein had filed an affidavit before this Court dated 29.09.2019 whereby he had given up his right to claim 20% of back wages under the impugned award dated 06.12.2012 made in I.D.No.213 of 2006. The main ground raised by the petitioner-corporation seems to be predominantly on the ground that the punishment is disproportionate to the levelled charges and the antecedents of the 2nd respondent's service. Now that the 2nd respondent herein had given up his right to claim back wages as awarded and also by taking into account the fact that the 2nd respondent herein has now reached the age of superannuation, this Court is of the view that the impugned award could be modified in order to facilitate the petitioner to receive his pensionary benefits.

3. In the light of the above observation, the impugned order passed by the Labour Court in I.D.No.213 of 2006, dated 06.12.2012 is sustained. However, the directions made therein with regard to payment of back wages at 20%, is set aside. The petitioner-Corporation shall endeavour to disburse all the retirement and pensionary benefits to the petitioner, as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this order.

4. At this juncture, the learned counsel for the petitioner-Corporation submitted that pursuant to the interim order of this Court, they had deposited a portion of the amount before the Labour Court, Salem. In view of the aforesaid said orders passed by this Court, the petitioner-corporation shall be at liberty to withdraw the entire amount lying in the deposit on the file of Labour Court, Salem in I.D.No.213 of 2006, dated 06.12.2012.

5. With the above findings, directions and liberty, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Presiding Officer,
Labour Court, Salem.

2. The Management,
Represented by General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Erode - 638001.

+1cc to Mr.K.V.Shanmuganathan, Advocate, S.R.No.47043

W.P.NO.8956 OF 2018 AND
W.M.P.NO.10812 OF 2018

BS (CO)
PBS/25/10/2021