



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9758 of 2019

and

W.M.P.No.10349 of 2019

The Managing Director
Tamil Nadu State Transport Corporation
(Salem Division-1) Limited
12, Ramakrishna Salai
Salem 636 007

...Petitioner

Vs.

Mr.V.Palanivel
S/o.Veerappa Gounder
3/150-1, Porasapalayam
Siluvampatti Post
Namakkal District

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the order dated 16.07.2018 passed by the Labour Court, Salem in I.D.No.74 of 2014 and quash the same.

For Petitioner : Mr.D.Roshan

For Respondent : Mr.V.Shanmuganathan

O R D E R

Petitioner - Transport Corporation has come up with this Writ Petition challenging the order dated 16.07.2018 passed by the Labour Court, Salem in I.D.No.74 of 2014.

2. It is represented by the learned counsel for the Petitioner-Transport Corporation that, the Respondent/employee joined the services of the Petitioner-Transport Corporation as a Driver on 24.07.1986. The respondent was working at Rasipuram Branch. He had been unauthorisedly absent from 28.09.2012 to 01.12.2012, 04.10.2012 to 13.10.2012 and thereafter from 16.10.2012. Hence, a charge memo dated 03.11.2012 was issued to him through R.P.A.D for the charge of unauthorised absence



though the respondent received the same on 15.12.2012, he did not reply to the same. Hence, after conducting due enquiry, the respondent was dismissed from service on 05.06.2013.

3. It is seen that, the Labour Court, Salem ordered the above I.D.No.74 of 2014 by passing the impugned award directing the Petitioner-Transport Corporation to reinstate the Respondent in service with full back wages, attendant benefits including increments and with continuity of service, by holding that the oral evidence given by the witness on behalf of the Petitioner-Transport Corporation in the enquiry proceedings cannot be accepted as the same has been produced by filling up a printed format. The Labour Court has further held that the respondent had in fact made an application for medical leave and the same was not sanctioned by the Petitioner-Transport Corporation.

4. Learned counsel for the Petitioner-Transport Corporation contended that, the decision taken by the Labour Court, Salem, is beyond its 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 Respondent / employee submitted that, the 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 Respondent / employee has agreed to accept clause 2(i) of the proposal made by the Government, the 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 W.M.P.No.10349 of 2019 is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Labour Court,
Salem.
2. The Managing Director
Tamil Nadu State Transport Corporation
(Salem Division-1) Limited
12, Ramakrishna Salai
Salem 636 007

W.P.No.9758 of 2019
and
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SP(CO)
LS(31/08/2021)