

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.01.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20567 of 2014

Sengotuvelu

... Petitioner

Vs

The Managing Director,
Tamilnadu State Transport Corporation,
Division - II,
Ramakrishnapuram,
Salem - 7.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 30.01.2014 and 26.02.2014 and direct the Respondent to release the Retirement benefits and other allowance to the petitioner to secure the ends of justice.

For Petitioner : Mr.K.Nagarajan
For Respondent : Mr.R.K.Gandhi

ORDER

This writ petition has been filed for a direction to the respondent to consider the representations dated 30.01.2014 and 26.02.2014 and to release the Retirement benefits and other allowances due to the petitioner.

2.According to the petitioner, he was appointed as a Conductor in the year 1985. While he was working as such, on 12.04.2011, he was issued with a charge memo, alleging that he was unauthorisedly absent from duty from 08.03.2011, to which, he submitted his explanation. Being dissatisfied with the same, enquiry was conducted, which ended in dismissal of the petitioner from service, by order dated 02.03.2012. Subsequently, the petitioner attained the age of superannuation on 30.06.2012. In the mean while, the respondent preferred an approval petition bearing No.81 of 2012 under Section 33(2)(B) of the Industrial Disputes Act, before the Labour Court, Chennai. After considering the available materials, the Labour Court opined that the punishment of dismissal from service inflicted on the petitioner was too harsh and disproportionate to the charges framed against him and accordingly, rejected the said approval petition. Pursuant to the same, the petitioner made representations dated 30.01.2014 and 26.02.2014 requesting to release the retirement benefits and other benefits due to

him. Finding no response on the same, the petitioner has come up with this writ petition for the aforesaid relief.

3.Heard both sides and perused the materials placed before this Court.

4.Considering the facts and circumstances of the case, more particularly, the Labour Court rejected the petition filed by the respondent seeking approval for the punishment of dismissal from service imposed on the petitioner, and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent authorities to consider the representations of the petitioner dated 30.01.2014 and 26.02.2014 with respect to payment of retirement benefits and other allowances due to the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To
The Managing Director,
Tamilnadu State Transport Corporation,
Division - II,
Ramakrishnapuram,
Salem - 7.

सत्यमेव जयते

W.P.No.20567 of 2014

A.SK(19.03.2021)

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