



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.2580 OF 2014

The General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd.,
Villupuram Region,
Villupuram - 605 602.

... Petitioner

vs.

1. The Special Deputy Commissioner of Labour,
D.M.S. Compound,
Chennai.

2. R.Sekar

... 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 order dated 27.12.2012 passed by the 1st Respondent in Approval Petition in A.P.No.258 of 2010.

For Petitioner : Mr.C.S.K.Sathish

For 2nd Respondent : Mr.P.Tamilavel

O R D E R

Petitioner - Transport Corporation has come up with this Writ Petition challenging the order dated 27.12.2012 passed by the 1st Respondent in Approval Petition No.258 of 2010.

2. It is represented by the learned counsel for the Petitioner-Transport Corporation that, the 2nd Respondent/employee joined the services of the Petitioner-Transport Corporation as a Driver on 08.11.1998 and that, his services were confirmed on 01.12.1999. While the 2nd Respondent was on duty on 15.07.2009, he committed a fatal accident and after conducting due enquiry, he was dismissed from service on 08.10.2010. He went on to state that, the 2nd Respondent has completed 10 years 10 months and 7 days of service and he was about to attain superannuation on 31.05.2017.



3. It is seen that, the Labour Court rejected the Approval Petition filed by the Petitioner-Transport Corporation on 27.12.2012 on the ground that, there was no witness to the fatal accident committed by the 2nd Respondent.

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4. Learned counsel for the Petitioner-Transport Corporation contended that, the decision taken by the 1st Respondent/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. According to the learned counsel, even hearsay evidence is admissible to establish accident cases.

5. Today, when the matter is taken up for hearing, learned counsel appearing for the 2nd Respondent/employee submitted that, the 2nd 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 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 2014 is closed.

s/d-
Assistant Registrar(CS VII)

True Copy

aeb

Sub-Assistant Registrar



To:

The Special Deputy Commissioner of Labour,
D.M.S. Compound, Chennai.

+1cc to M/S.CSK.Sathish, Advocate, SR.No.37456

+1cc to Government Pleader, SR.No.37396

W.P.No.2580 of 2014

PCH(CO)
PM(06/09/2021)