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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM

THE HON'BLE MR.JUSTICE PARESH UPADHYAY
AND
THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.NO.2721 OF 2021
AND
C.M.P.NO.17728 OF 2021

The Management,
Tamil Nadu State Transport Corporation Ltd.,
(Kumbakonam Division 2),
Periyamilaguparai,
Tiruchirapalli District.

..Appellant/Respondent No.2

Vs

A.Rajendran (deceased)

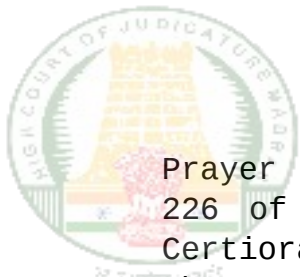
1.P.Manjula
2.R.Surya
3.R.Manikandan
4.R.Sathya
(Respondents 1 to 4 are substituted as
LRs of the deceased respondent vide
order dated 09.04.2019 made in
W.M.P.No.11204 of 2019 in
W.P.No.1701 of 2004)

...Respondents 1 to 4/
LRS Petitioners in WP

5.The Presiding Officer,
Labour Court,
Tiruchirapalli.

..5th Respondent/Respondent No.1

Appeal preferred under Clause XV of Letters Patent
against the order dated 01.04.2021 made in W.P.No.1701 of 2004.



Prayer in W.P.No.1701 of 2004: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the award of the 1st respondent made in I.D.No.90 of 1999 dated 29.09.2003 and quash the same and consequently direct the 2nd respondent to reinstate the petitioner into the services with backwages and all attendant benefits.

For Appellant .. Mr.D.Venkatachalam

JUDGMENT

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order passed by learned single Judge dated 01 April 2021 in W.P.No.1701 of 2004.

2. Learned advocate for the appellant has submitted that there are errors in the impugned order passed, since no relief could have been granted on the face of the proved misconduct. It is submitted that this appeal be entertained.

3. Having heard the learned advocate for the appellant and having considered the material on record, more particularly, the reasons recorded by learned single Judge, we find that the dismissal of the workman (Conductor of State Road Transport Corporation) was without any evidence, in the view of learned single Judge - the finding, which we are not inclined to interfere.

4. So far as moulding of relief is concerned, since the workman has died during the proceedings, learned single Judge has moulded the relief of awarding lumpsum compensation quantified at Rs.4 lakhs. We do not see any reason to interfere in that quantum either.



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5. For the above reasons, this writ appeal is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

mmi/12

To

1. The Presiding Officer,
Labour Court,
Tiruchirapalli.
2. The Management,
Tamil Nadu State Transport Corporation Ltd.,
(Kumbakonam Division 2),
Periyamilaguparai,
Tiruchirapalli District.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.54864

W.A.No.2721 of 2021

AK-II(CO)
RLP(02/11/2021)