



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25100 of 2017

The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its General Manager,
Trichy Region,
Trichirapalli - 620 001.

...Petitioner

vs.

1. The Special Deputy Commissioner of Labour,
DMS Campus,
Anna Salai, Chennai - 6.

2. M.Thangavel

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 20.02.2017 passed by the 1st Respondent in Approval Petition No.396 of 2012 and quash the same, consequently direct the 1st Respondent to approve the order of the Petitioner, dated 30.06.2012, dismissing the 2nd Respondent from service.

For Petitioner : Mr.D.Venkatachalam
For 2nd Respondent : Ms.V.Porkodi

O R D E R

Petitioner/Transport Corporation has come up with this Writ Petition challenging the order dated 20.02.2017 passed by the 1st Respondent in Approval Petition No.396 of 2012 and for a consequential direction to the 1st Respondent to approve the order dated 30.06.2012 passed by them, dismissing the 2nd Respondent from service.

2. It is represented by the learned counsel for the Petitioner/Transport Corporation that, the 2nd Respondent/employee, who was working as a Driver in the Petitioner/Transport Corporation, absented himself from duty without prior permission.



3. It is seen that, the Labour Court rejected the Approval Petition filed by the Petitioner/Transport Corporation on the ground that, the punishment imposed on the employee is disproportionate to the charges framed against him.

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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.

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 and to that effect, she has also filed a Memo on behalf of the 2nd Respondent. 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 W.M.P.No.26538 of 2017 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



(aeb)

To:

The Special Deputy Commissioner of Labour,
DMS Campus, Anna Salai,
Chennai - 6.

+1 CC to M/s.V.Porkodi, Advocate, Sr.No. 37518.

+1 CC to Mr.D.Venkatachalam, Advocate, Sr.No. 37127.

W.P.No.25100 of 2017

PL(CO)
LS(21/09/2021)