



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.14381 of 2012

WEB COPY

O.Arasendran(Died)

1.Nalini Roy

2.Uma Rani

3.Priya

... Petitioners

(Petitioners 1 to 3 were impleaded vide order of this Court, dated 29.07.2021 in W.M.P.(MD)No.4526 of 2021)

vs.

1.The Labour Court,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport
Corporation Limited,
Ranithottam,
Madurai Division - 3,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to the Order passed in I.D.No.76 of 2011, dated 18.07.2012, and to quash the same and consequently to direct the second respondent herein to reinstate the petitioner with all back wages and continuity of service.

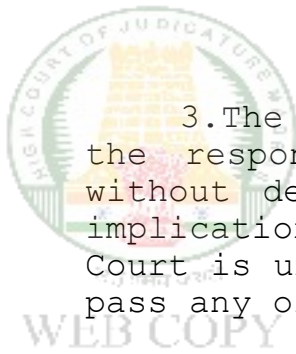
For Petitioners : Mr.Anto Prince

For Respondents : Mr.K.Sathya Singh for R2

O R D E R

It is now admitted before this Court that pursuant to the suggestion of this Court earlier, by my Predecessor, representations have been given by the petitioners to convert the punishment of dismissal from the service into compulsory retirement.

2.It is brought to the notice of this Court that the petitioners, who are now prosecuting the Writ Petition, are the legal representatives of the deceased employee of the respondents. Hence, considering the economic condition of the family of deceased and other factors, this Court has suggested the petitioners to submit a representation to convert the punishment as compulsory retirement, so that the petitioners may get some monetary benefits.



3.The learned Counsel appearing for the petitioners states that the respondents may be directed to consider the representation without deciding the matter on merits. In view of the financial implications that may follow by converting the punishment, this Court is unable to give any positive direction to the respondents to pass any order.

4.The charges against the Writ Petitioner is that he failed to report duty for a period of seven months from 25.11.2001 to 03.07.2002. The petitioner is a Conductor. Therefore, the Labour Court did not interfere with the punishment. However, for the purpose of enabling the respondents to consider the representation of the petitioner, this Court is inclined to dispose the Writ Petition in the following lines:

"Irrespective of the findings of the Disciplinary Authority and the Labour Court, the respondents are directed to consider the representations of the petitioners, dated 17.08.2021 and 18.08.2021, submitted by them on equitable grounds and pass appropriate orders within a period of 12 weeks from the date of receipt of copy of this order."

5.The Writ Petition is closed accordingly and the closure of Writ Petition will not stand in the way of respondents to consider the representation of the petitioners. In case the representation of the petitioners is favourably considered by the respondents, the order of the Labour Court impugned in the Writ Petition will stand modified accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Labour Court, Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Ranithottam, Madurai Division - 3,
Nagercoil, Kanyakumari District.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-29248[F]
dated 16/09/2021)

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-29530[F]
dated 17/09/2021)

W.P.(MD) No.14381 of 2012

15.09.2021

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