



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.1324 of 2013

WEB COPY

The Managing Director,
Tamil Nadu State Transport Corporation(Madurai Kottam-2),
19, Thiruvanthapuram Road,
Vannarapattai, Tirunelveli - 627 003. ... Petitioner

vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.N.Thamodharan ... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records from the first respondent, Labour Court, Tirunelveli, relating to the award passed by it in I.D.No.49 of 2009, dated 16.08.2011 and quash the same.

For Petitioner : Mr.K.Sathiya Singh
For R-2 : Ms.D.Geetha

O R D E R

This Writ Petition is filed to quash the award passed by the first respondent in I.D.No.49 of 2009, dated 16.08.2011.

2.Heard Mr.K.Sathiya Singh, learned Counsel for the petitioner and Ms.D.Geetha, learned Counsel for the second respondent.

3.The second respondent was working as Driver in the petitioner Transport Corporation. On account of a fatal accident, which according to the petitioner Management was due to rash and negligent driving of the second respondent, a domestic enquiry was conducted and the second respondent was awarded with the punishment of dismissal from service. The order of punishment was challenged by the second respondent before the Labour Court, Tirunelveli, in I.D.No.49 of 2009. The Labour Court, Tirunelveli, allowed the petition and directed reinstatement of the second respondent with back wages and continuity of service. Challenging the award of Labour Court, Tirunelveli, dated 16.08.2011, the above Writ Petition is filed.

4.The learned Counsel for the petitioner states that scope of this Writ Petition is whether the second respondent is entitled to back wages and continuity of service. The learned Counsel for the



petitioner submitted that the petitioner is prepared to withdraw this Writ Petition, if the second respondent forego his right for claiming back wages as per the award of the Labour Court, Tirunelveli. The learned Counsel for the second respondent fairly submitted that the second respondent will forego back wages as per the award of the Labour Court.

5.Since the learned Counsel for the second respondent specifically stated that the second respondent will not pursue or lay any claim for back wages, this Court is of the view that the Writ Petition can be disposed of in the following lines:

"The award of the Labour Court, Tirunelveli, in I.D.No.49 of 2009, dated 16.08.2011 is confirmed insofar as reinstatement and continuity of service of the second respondent. However, the award insofar as back wages is concerned, the same is set aside and it is directed that the second respondent shall have no claim towards back wages in terms of award of the Labour Court."

6.Subject to the above modification, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Presiding Officer,
Labour Court,
Tirunelveli.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-26800[F] dated 19/08/2021)

+1 CC to M/s.D.GEETHA, Advocate (SR-26801[F] dated 19/08/2021)

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RS (25.08.2021) 2P 4C