



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4142 of 2012

and

W.M.P(MD)No.1 of 2012

WEB COPY

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai Ltd)
Bye pass Road, Madurai.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Madurai.

2.Sundar

... Respondents

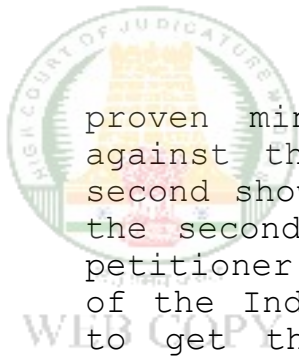
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in I.D.No.10 of 2004 dated 06.01.2011 on the file of the Labour Court, Madurai, quash the same.

For Petitioner : Mr.J.Senthil Kumaraiah
For Respondent No.2 : No appearance

O R D E R

This writ petition is filed by the petitioner, calling for the records in I.D.No.10 of 2004 dated 06.01.2011 on the file of the Labour Court, Madurai, quash the same.

2.The case of the petitioner is that the second respondent was appointed as a Driver on daily wages in the petitioner Corporation on 25.05.2002. While the second respondent was driving the bus bearing Registration No.TN-58-N-0334 on the Madapuram to Periyar Bus stand, on 07.02.2003, at about 04.45 p.m., near Manalur Village, the bus hit a 11 years old girl, when she was crossing the road. The said girl died on the spot. The said accident was happened due to rash and negligent driving of the second respondent and thereby the petitioner Corporation issued a charge memo on 27.02.2003. Thereafter, the second respondent gave his explanation on 06.03.2003. Since the second respondent's explanation was not satisfied, the petitioner Corporation ordered a domestic enquiry. The second respondent also participated in the said enquiry and after completion of the enquiry, the Enquiry Officer submitted a



proven minute on 19.03.2003 stating that the charges levelled against the second respondent were proved. Pursuant to which, a second show cause notice, dated 25.03.2003 was issued and dismissed the second respondent from service on 21.05.2003. Thereafter, the petitioner Corporation has filed a petition under Section 33(2)(b) of the Industrial Disputes Act, before the Commissioner of Labour, to get the approval for the order of dismissal. The approval petition No.35/2003 is approved by the Commissioner of Labour. Aggrieved by the said order, the second respondent raised an industrial dispute before the first respondent in I.D.No.10 of 2004, for reinstatement with back wages and continuity of service. The first respondent allowed the said I.D and passed the impugned order by modifying the punishment as reinstatement with continuity of service without back wages. Challenging the same, the present writ petition is filed.

3.The learned counsel appearing for the petitioner Corporation submitted that during the pendency of this writ petition, a settlement under Section 18(1) of the Industrial Disputes Act, was arrived at between the petitioner Corporation and the second respondent and therefore, the second respondent was reinstated into service and hence, nothing survives for adjudication in the present writ petition.

4.In view of the above, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NS

To

The Presiding Officer,
Labour Court, Madurai.

+1 CC to Mr.J.SENTHIL KUMARAIAH, Advocate (SR-9102[F] dated 05/03/2021)

Order made in
W.P. (MD)No.4142 of 2012 and
W.M.P(MD)No.1 of 2012
04.03.2021

SSS (CO)

SRS (18/03/2021) 2P : 3C

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