



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.8046 of 2021

and

W.M.P(MD)No.6143 of 2021

WEB COPY

M.Senthilkumar

... Petitioner

Vs.

The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pillai Thaneer Pandhal,
Thirumayam Road,
Pudukottai.

... Respondent

PRAYER: Writ Petition Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to reinstate the petitioner with continuity of service, back wages and all other attendant benefits as per the order, dated 05.03.2021 of the Special Deputy Commissioner of Labour, Chennai passed U/s.33(2) (b) of I.D.Act in Approval Application A.P.No.103/2019.

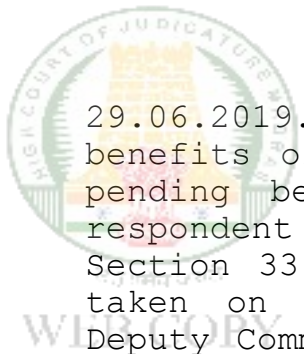
For Petitioner : Mr.G.M.Xavier
For Respondent : Mr.P.Balasubramanian
for TNSTC (Kumbakonam)

ORDER

This writ petition is filed seeking a writ of mandamus directing the respondent to reinstate the petitioner with continuity of service, back wages and all other attendant benefits as per the order, dated 05.03.2021 of the Special Deputy Commissioner of Labour, Chennai passed Under Section 33(2) (b) of Industrial Disputes Act, 1947 in Approval Application A.P.No.103/2019.

2. Mr.P.Balasubramanian, learned Standing Counsel takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Conductor by the respondent from 14.08.2007. He had rendered 14 years of unblemished services to the respondent Management. While so, the respondent initiated disciplinary proceedings against him by alleging that he has committed misconduct. Based on the same, an enquiry was conducted and finally, he was dismissed from service by an order, dated



29.06.2019. A dispute with regard to revision of wages and other benefits of the employees of the State Transport Corporations was pending before the Joint Commissioner of Labour, Chennai. The respondent sought approval of the dismissal of the petitioner Under Section 33(2) (b) of Industrial Disputes Act, 1947. The same was taken on file in Approval Application No.103/2019. The Special Deputy Commissioner of Labour, after hearing both sides, passed an order, dated 05.03.2021, rejecting the approval of dismissal of the petitioner and dismissed Approval Application No.103/2019 of the respondent and directed the respondent to reinstate the petitioner in service with all other attendant benefits. But, the respondent has not complied with the above said order. Thereafter, the petitioner sent a letter, dated 14.03.2021, requesting to comply with the order and to reinstate him with continuity of service, back wages and other attendant benefits. But, the respondent has not passed any orders. Hence, the petitioner has come out with the present writ petition.

4. From the materials on record, it is seen that the respondent initiated disciplinary proceedings against the petitioner and dismissed him from service on 29.06.2019. A dispute raised by the Union with regard to revision of wages and other benefits was pending before the Joint Commissioner of Labour, Chennai. The respondent filed a petition Under Section 33 (2)(b) of the Industrial Disputes Act, 1947 for approving the order of dismissal of the petitioner in Approval Application No.103/2019. The said petition was rejected on 05.03.2021. Thereafter, the petitioner has given representation on 14.03.2021.

5. In view of the above facts and considering the rejection of approval for dismissal of the petitioner, the respondent is directed to consider the representation of the petitioner, dated 14.03.2021 and pass orders on merits and in accordance with law, as expeditiously as possible.

6. In view of the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am



To

The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pillai Thaneer Pandhal,
Thirumayam Road,
Pudukottai.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-17614[F] dated 27/04/2021)

+1 CC to M/s.G.M.XAVIER, Advocate (SR-17639[F] dated 27/04/2021)

W.P. (MD)No.8046 of 2021

23.04.2021

RK(12.05.2021) 3P 4C