



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

W.P. (MD)No.17687 of 2017

P.Ramamoorthy

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Rep.by its General Manager,
Trichy Region,
Periyamilaguparai,
Trichirappalli-620 001.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to reinstate the petitioner in service in the post of Conductor at the respondent Corporation with continuity of service and back wages payable to the petitioner with effect from 13.08.2012 with all other attendant benefits, in the light of the order passed by the Special Deputy Commissioner of Labour, Chennai dated 19.04.2017 passed in A.P.No.399 of 2012 in rejecting the petition for approval of the order of dismissal from service filed by the respondent under Section 33(2) (b) of Industrial Disputes Act, 1947.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman
Standing Counsel

O R D E R

This writ petition has been filed for a direction to the respondent to reinstate the petitioner in service in the post of Conductor at the respondent Corporation with continuity of service and back wages payable to the petitioner with effect from 13.08.2012 with all other attendant benefits, in the light of the order passed by the Special Deputy Commissioner of Labour, Chennai, dated 19.04.2017, in A.P.No.399 of 2012 in rejecting the petition for approval of the order of dismissal from service filed by the respondent under Section 33(2) (b) of Industrial Disputes Act, 1947.

2. The case of the petitioner is that he was appointed as Conductor in the respondent Corporation in the year 1986. While he was in service, a charge memo was issued against the petitioner on 20.07.2010, for his unauthorised absent from duty. After conducting enquiry, he was dismissed from service on 13.08.2012. Thereafter,



the respondent filed a petition under Section 33(2)(b) of the Industrial Disputes Act, seeking approval for the dismissal order, before the Special Deputy Commissioner of Labour, Chennai and the same was taken on file in A.P.No.399 of 2012. After contest, the petition filed by the respondent Management was rejected. However, the petitioner was not reinstated. Hence, the petitioner has made a representation to the respondent on 12.06.2017, for reinstatement with continuity of service, back wages from 13.08.2012, along with other attendant benefits. However, till date no order was passed. Therefore, the petitioner has come forward to file the present writ petition.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondent to consider the petitioner's representation dated 12.06.2017, within a specified period as fixed by this Court.

4. Heard the learned counsel for the petitioner, learned Standing counsel appearing for the respondent and perused the materials available on record.

5. The facts in the present case are not in dispute. The petitioner claimed that he was dismissed from service on 13.08.2012. However, the approval petition in A.P.No.399 of 2012 filed by the respondent Corporation was rejected on 19.04.1997. Even after the rejection of approval petition, the petitioner was not reinstated into service, which is legally not sustainable. Hence, this Court directs the respondent to consider the petitioner's representation dated 12.06.2017 and pass orders, within a period of two weeks from the date of receipt of a copy of this order, in the light of the order passed by the Special Deputy Commissioner of Labour, Chennai, dated 19.04.2017, in A.P.No.399 of 2012.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Akv



To
The General Manager,
The Management of Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichirappalli-620 001.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-11642[F] dated 17/03/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-11719[F] dated 17/03/2021)

W.P. (MD) No.17687 of 2017
16.03.2021

NSM(CO)
TR(23.06.2021) 3P 4C