



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10542 of 2012

The Management,
Tamilnadu State Transport Corporation,
Villupuram III, Kancheepuram.

...Petitioner

-Vs-

1. The Presiding Officer,
III Additional Labour Court,
Chennai.

2. A.Anbu

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the order passed by the 1st respondent in I.D.No.289 of 2003 dated 30.08.2011 and quash the same as illegal by upholding the termination order dated 16.10.2002.

For Petitioner : Mr.G.Saravanakumar

For R2 : Mr.K.M.Ramesh

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2.On the basis of certain proven charges, the second respondent was dismissed from the services, through an order dated 16.10.2002. In the Industrial Dispute raised by the second respondent, the Labour Court had set aside the dismissal order, through its Award dated 30.08.2011 and ordered for payment of 25% of the back wages. Aggrieved against the same, the Transport Corporation has filed the present writ petition.

3.The learned counsel for the petitioner predominantly raised a ground that since the second respondent herein had



indulged himself in similar misconducts on five occasions earlier, the Labour Court ought not to have ordered for reinstatement, together with 25% back wages.

4. I am not in agreement with such a submission. The past antecedents of the delinquent may only have a persuasive value and what requires to be established in a departmental action is with regard to the charges framed in the current delinquency. As a matter of fact, the Labour Court had apparently taken into account the past antecedents of the second respondent herein and reduced the back wages to 25%. In this view of the matter, I do not find any infirmity in the Award of the Labour Court.

5. It is now brought to the notice of this Court that the second respondent herein had reached the age of superannuation.

6. In the light of the above discussion, there are no merits in the present writ petition. Accordingly, the Writ Petition stands dismissed. Consequently, there shall be a direction to the petitioner herein to forthwith disburse all the retirement benefits, including the pensionary benefits, in favour of the second respondent herein, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Presiding Officer,
III Additional Labour Court,
Chennai.
2. The Management,
Tamilnadu State Transport Corporation,
Villupuram III, Kancheepuram.

+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.10993

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MT(CO)
RGA(08/03/2022)