



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.21231 OF 2013
AND W.M.P.NO.37418 OF 2016

The Management,
Rep by its General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Villuppruam.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Cuddalore,
Cuddalore.

2. S.Ramachandran

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the first respondent made in I.D.No.56 of 2010 dated 15.02.2012 and to quash the same.

For Petitioner : Mr.G.Saravana Kumar

For Respondents : R1 - Court
Mr.R.Muralidharan [for R2]

ORDER

The second respondent's non-employment was challenged before the Labour Court in I.D.No.56 of 2010 and by an Award dated 15.02.2012, the Industrial Dispute was allowed in part, whereby, the Management was directed to reinstate the second respondent as a fresh entrant. It was further ordered therein, that the second respondent would not be entitled for current salary, continuity of service, back wages and other attendant benefits.

2. Though the Management had challenged this Award, the learned counsel for the petitioner submitted that when they had offered the petitioner to join as a fresh entrant, he had



expressed his inability to join, owing to his wife's medical ailment.

3. The learned counsel appearing for the second respondent also ratifies this statement and affirms that the second respondent's wife is not keeping good health and therefore, requests for further time to join the petitioner/Management. In line with such an affirmation made, the learned counsel for the second respondent has produced copies of his wife's medical records obtained from JIPMER Hospital, Puducherry, between 01.08.2014 to 30.01.2017.

4. By taking a sympathetic view, this Court grants liberty to the second respondent, to give an appropriate representation, seeking for reinstatement, within a period one (1) year from the date of receipt of a copy of this order. On receipt of such representation, the petitioner/Management shall reinstate the second respondent as a fresh entrant, without any monetary or service benefits. In view of the fact that the petitioner herein, had offered employment pursuant to the Award and the second respondent had expressed his inability to join, he will not be entitled to make any claim for monetary benefits from the date of Award.

5. The Writ Petition stands ordered, accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer,
Labour Court, Cuddalore,
Cuddalore.

+1cc to Mr.R.Muralidharan, Advocate, S.R.No.25185

W.P.No.21231 of 2013

SS (CO)
PM/06/05/2022