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WP.No.33611 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:22.11.2022

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. No.33611 of 2014
and M.P.No.1 of 2014**

The Management
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
51/1, Pillai Thaneerpandal
Thirumayam Salai
Puthukottai
Represented by its General Manager. ... Petitioner

Vs.

1.M.Jayaraman
S/o Murgaiya Pillai

2.The Special Joint Commissioner of Labour (Conciliation)
DMS Compound
Chennai. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records passed by the 2nd respondent in A.P.No.54 of 2011, dated 29.04.2013 and to quash the same.

For Petitioner : Mr.D.Venkatachalam
Standing Counsel



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For Respondent : Mr.T.Ananthasekar for R1
Mr.G.Velu
Addl. Govt. Pleader for R2

ORDER

This Writ Petition has been filed by the State Transport Corporation for issuance of Writ of Certiorari to call for the records passed by the 2nd respondent in A.P.No.54 of 2011, dated 29.04.2013, whereby the approval granted by the Management to file Industrial Dispute case under Section 33(2)(b) of ID Act, has been rejected.

2.Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the petitioner Management, produced Letter No.5370/C2/2021 dated 24.07.2021 passed by the Additional Chief Secretary to Government, Transport Department, Secretariate, Chennai – 600 009, wherein it is stated as follows:-

“In continuation of the reference 3rd cited, on 19.07.2021, the Board meetings were conducted exclusively for Approval Petitions rejected by Commissioner of Labour



in respect of dismissal cases of indiscipline employees for that Writ Petitions filed by the State Transport Undertakings in absent cases and fatal cases which are pending before the Hon'ble High Court of Madras and Madurai Bench. The Board Meetings for Seven State Transport Undertakings were conducted on 19.07.2021.

2. There were 283 cases, except TNSSTC (MDU), placed before the Board for discussion. After detailed deliberations, the following decisions were taken:-

(i) In respect of Ex-employees having required qualifying service for pension under 1998 scheme to go on compulsory retirement on the date of dismissal and to allow eligible retirement benefits as per rules in force.

(ii) In respect of Ex-employees who do not have qualifying service for pension under 1998 scheme at the time of dismissal and they were in the category of Regular, Reserve and Daily Wage, such cases shall continue to be contested.

(iii) In respect of Ex-employees who expired during litigation, to proceed to settle the eligible death cum retirement benefits to the legal heirs of the deceased workman (up to the date of death or date of retirement whichever is earlier) by treating the non-employment period as "No Work No Pay" and also the Legal heirs shall not



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claim for appointment under compassionate grounds.”

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3.The learned counsel for the 1st respondent, on instructions would submit that the 1st respondent has already attained the age of superannuation and he is acceptable for the terms and conditions mentioned in the letter No. 5370/C2/2021 dated 24.07.2021.

4.Heard both sides.

5.Considering the submissions made by the learned counsel for the petitioner Management as well as the learned counsel for the 1st respondent and also taking note of the letter dated 24.07.2021, passed by the Additional Chief Secretary to Government, Transport Department, the above Writ Petition is disposed of, directing the petitioner Management to act as per the Letter No. 5370/C2/2021 dated 24.07.2021, and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Jer/Nvsri

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

To

The Special Joint Commissioner of Labour (Conciliation)

DMS Compound

Chennai.



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J.NISHA BANU, J.,

Jer

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