



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20927 of 2017

and

W.M.P Nos.21812 of 2017 and 29395 of 2019

The Management
Metropolitan Transport Corporation
Pallavan Illam, Anna Salai
Chennai-600 002.

... Petitioner

-Vs-

1. The Special Deputy Commissioner of Labour
D.M.S Complex, IV Floor
Teynampet, Chennai-600 006.

2. H.Vazeer

... 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 pertaining to the order passed in A.P No.75 of 2014 dated 13.03.2017 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram

For Respondents : Mr.P.Ganesan for R1
Government Advocate
Mr. S.T.Varadarajulu for R2

ORDER

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



2.The second respondent herein was terminated from service on 03.11.2011, based on charges of unauthorized absence. The petition filed under Section 33(2)(b) of the Industrial Dispute Act, 1947, came to be rejected by the 1st respondent/Authority on 13.03.2017. Challenging the same, the Transport Corporation has filed the present Writ Petition.

3.Today when the matter was called, the learned Senior Counsel appearing for the petitioner /Corporation submitted that the Management have reinstated the petitioner back into service on 14.11.2018 and since his service records revealed 24 earlier punishments suffered by him including delinquencies of unauthorized absences, the back wages payable to the 2nd respondent may be reduced.

4.By taking into account the fact that the petitioner was punished on 24 previous occasions, this court is of the view that if back wages for the non-employment period be reduced to 50%, the ends of justice could be secured. However, since the authority have rejected the approval petition of the 2nd respondent herein, he would entitled to other service and monetary benefits.

5.In the light of the above observations, the impugned order passed by the 1st respondent is sustained. Consequently, the petitioner shall disburse 50% of the total backwages payable to the 2nd respondent herein, together with continuity of service and other attendant benefits, within a period of eight weeks from the date of receipt of a copy of this order. The Employees Provident Fund contribution shall be borne by the 2nd respondent, which amount can be adjusted from and out of the back wages ordered in this Writ Petition.

6.With the above direction, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar (Digit)

//True Copy//

Sub Assistant Registrar

vkrr



To

The Special Deputy Commissioner of Labour
D.M.S Complex, IV Floor
Teynampet, Chennai-600 006.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.4981

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.5278

+1cc to the Government Pleader, S.R.No.5677

W.P.No.20927 of 2017
and
W.M.P Nos.21812 of 2017
and
29395 of 2019

MT (CO)
SU (18/02/2022)