



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6832 of 2017
and
W.M.P. No. 7397 of 2017

The Management,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Thiruvanamalai Region,
Thiruvannamalai,
Rep by its General Manager

...Petitioner

-vs-

1.G.Subramanian

2.The Special Deputy Commissioner of Labour,
DMS Compound,
Chennai.

...Respondents

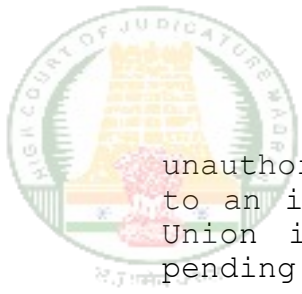
Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the order passed by the Second Respondent in Approval Petition in A.P. No. 168 of 2012 dated 29.03.2016 and to quash the same as illegal.

For Petitioner	:	Mr. G.Saravanakumar
For Respondents	:	Mr. S.T.Varadarajulu (for R1)
	:	Mrs. C.Sangamithirai Special Government Pleader (for R2)

O R D E R

Heard Mr. G.Saravanakumar, Learned Counsel for the Petitioner, Mr. S.T.Varadarajulu, Learned Counsel for the First Respondent and Mrs. C.Sangamithirai, Learned Special Government Pleader for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent had been terminated from service by the Petitioner by Order in Ka. Ku. No. 25177/D5/Tha A Poka (VI)/Thirumalai/2011 dated 24.04.2012 on the charge of



unauthorized absence. Since conciliation proceedings relating to an industrial dispute between the Petitioner and the Trade Union in which the First Respondent was a member was then pending before the Second Respondent, the Petitioner had made an application under Section 33(2)(b) of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act' for short) for approval of termination. The application for approval was ultimately rejected by order dated 29.03.2016 in A.P. No. 168 of 2012 passed by the Second Respondent. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the same.

3. It has been brought to notice that after the filing of the Writ Petition, on the representation dated 24.02.2022 made by the First Respondent, the Petitioner by Order in Ka. Ku. No. 27049/Ni2/Tha A Poka (Vizhu)/ThiMalai/2019 dated 05.03.2022 has converted the punishment inflicted on the Petitioner into compulsory retirement with effect from 24.04.2012 so that he would be entitled to receive terminal benefits and monthly pension from the said date. In such circumstances, the Petitioner shall pay monthly pension to the First Respondent on the due dates, apart from disbursement of other monetary benefits and arrears of pension by 31.05.2022 under written acknowledgment.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Deputy Commissioner of Labour,
DMS Compound, Chennai.
2. The General Manager,
The Management
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Thiruvananthapuram Region,
Thiruvannamalai.

+1cc to Mr.S.T.Varadarajulu, Advocate SR. No. 15186

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