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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

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

W.P.NO.18601 OF 2017

AND

W.M.P.NO.20142 OF 2017

The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Kancheepuram Region, Poneeri Karai,
Bangalore National Highway,
Kancheepuram.

... Petitioner

-vs-

1. S.Harikrishnan

2. The Special Deputy Commissioner of Labour,
D.M.S. Compound,
Chennai.

... Respondents

Prayer:-

Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari to call for the records of the Second Respondent made in A.P. No. 326 of 2013 dated 04.04.2016 and to quash the same as illegal and against the provisions of the Industrial Dispute Act, 1947.

For Petitioner : Mr. G.Saravanakumar

For Respondents: Mrs. S.Vijaya
For M/S.Vijaya & Anandh (For R1)

Mrs. C.Sangamithirai
Special Government Pleader (For R2)

O R D E R

Heard Mr. G.Saravanakumar, Learned Standing Counsel
appearing for the Petitioner, Mrs. S.Vijaya, Learned Counsel



appearing for the First Respondent and Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

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2. The First Respondent, who had been employed as Senior Assistant, had been terminated from service by Order in Se. Mu.Ku.No. 203/2803/Sa11/ThaAPoKa(Vizhu)/Kaa.Ma/12 dated 30.11.2013 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, but it was rejected by order dated 04.04.2016 in A.P. No. 326 of 2013 passed by the Second Respondent. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the same.

3. It is informed that an amicable settlement has been arrived between the parties resolving the disputes between them and in furtherance thereto, the First Respondent has been provided with compulsory retirement on the date of his dismissal so that he would be eligible to receive pension for the completed 26 years of service and the copy of the Order in Kuripaanaai. No. 1603/Pa1/Tha Na A Poka (Vizhu)/Kanchi/2018 dated 16.03.2022 issued by the Petitioner in that regard has been placed on record. It shall be incumbent upon the Petitioner to make payment of the entire terminal benefits and arrears of pension to the First Respondent by 30.04.2022 in addition to monthly pension on the due dates for future periods.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gd



To

1. The Special Deputy Commissioner of Labour,
D.M.S. Compound,
Chennai.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram) Limited,
Kancheepuram Region, Poneeri Karai,
Bangalore National Highway,
Kancheepuram.

Copy To

S.Harikrishnan
No. 7, Saranaya nagar,
Goomidipoondi (P) & (T),
Thiruvallur.

+lcc to M/S.Vijaya & Anandh, Advocate, S.R.No.18489
+lcc to the Government Pleader, S.R.No.18812

W.P. No. 18601 of 2017

PL (CO)
PM/13/04/2022