



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5760 of 2019

M.Raja

... Petitioner

vs.

The Managing Director
Tamil Nadu State Transport Corporation
Kumbakonam Division
Thanjavur District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent to re-instate the petitioner on service with continuity of service and all attendance and monetary benefits by considering the petitioner's representation dated 21.01.2018.

For Petitioner : Mr.K.Kumaravel

For Respondent : Mr.D.Sivaraman, Standing Counsel

O R D E R

The relief sought for in this writ petition is to direct the respondent Transport Corporation to re-instate the petitioner in service with continuity of service and to pay all attendant and monetary benefits by considering his representation dated 21.01.2019.

2. The main grievance of the petitioner is that the Management of the respondent Transport Corporation has not obtained proper approval from the Competent Authority for his dismissal from service under the Industrial Disputes Act, 1947.

3. The learned Standing Counsel appearing for the respondent Transport Corporation made a submission that originally the approval sought for by the Management was rejected by the Special Deputy Commissioner of Labour and it was challenged by the Management by filing a writ petition in W.P.No.12359 of 2018 before the Principal Bench of this Court and it was allowed by order dated 06.10.2021, wherein in Paragraph No.8 it has been observed as follows:

"8. In the light of the above observations, the impugned order dated 18.07.2017 passed by the first respondent herein is quashed. Consequently, the dismissal order issued to the second respondent herein dated 25.07.2011 is declared as



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approved. There shall also be a direction to the petitioner Management to pay the last drawn wages of the second respondent under Section 17B of the Act from 18.07.2017 onwards, within a period of 4 weeks from the date of receipt of a copy of this order. The second respondent is also at liberty to challenge the dismissal order, by raising an appropriate Industrial Dispute, for which purpose, the limitation prescribed in the Act shall commence from the date of this order, i.e., 06.10.2021."

Accordingly, approval was granted for the dismissal of the petitioner from service and liberty was granted to the petitioner to challenge the dismissal order by raising an appropriate industrial dispute.

4. When the High Court has already passed an order granting liberty to the petitioner to approach the competent Labour Court by raising industrial dispute, there is no reason to consider the present relief sought for in this writ petition. Accordingly, the petitioner is at liberty to redress his grievance in the manner known to law.

5. With the above liberty, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To

The Managing Director
Tamil Nadu State Transport Corporation
Kumbakonam Division
Thanjavur District

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-17243[F] dated 07/04/2022)

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MGJ(20.04.2022) 2P 3C