



W.P.(MD).No.16774 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16774 of 2014

and

M.P.(MD).No.1 of 2014

and

W.M.P.(MD).No.17771 of 2017

The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukkottai Region,
Thirumayam Road,
Pudukkottai.

... Petitioner

Vs.

1.The Special Deputy Commissioner of Labour,
Chennai – 600 006.

2.S.Muthu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent herein dated 27.12.2012 in A.P.No.80 of 2011, quash the same.



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For Petitioner : Mr.D.Sivaraman
For R-1 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.
For R-2 : Mr.S.Deenadhayalan

ORDER

This Writ Petition is filed to quash the order dated 27.12.2012 in A.P.No.80 of 2011.

2. The second respondent was working as a Driver in the petitioner Corporation. A charge memo dated 04.05.2009 was issued for the charge of unauthorized absence from 06.09.2008 and imposed with a punishment of dismissal from service. The second respondent has challenged the same before the first respondent authority, wherein, the punishment was set aside. Aggrieved over the order passed by the first respondent, the petitioner's Management preferred this Writ Petition. The dismissal order was placed before the appropriate authority for approval and the same was rejected. When the case of one Thangavel was heard by the Hon'ble High Court in W.P.No. 25100 of 2017 dated 30.07.2021, the learned Single Judge directed the petitioner's Management to consider the delinquents who had faced disciplinary



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proceedings apart from misappropriation, thereby, considering them for a lesser punishment of compulsory retirement on the date of their dismissal. The petitioner's Management has formulated the scheme and more than 100 delinquents were availed the benefits of the said scheme.

3. In this case, the second respondent also submitted an undertaking to this effect and the same is extracted hereunder:

भारतीय न्यायिक
वीस रुपये
रु. 20
Rs. 20
TWENTY RUPEES
INDIA NON JUDICIAL

தமிழ்நாடு தாமிலநாடு TAMIL NADU
முதலாளி : 02.12.2019
புதுக்கோட்டை
புதுக்கோட்டை
20/-

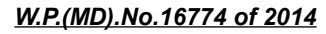
814B 886317
A. விஜய் B.S. DCE
முதுக்கோட்டை மாவட்டம்
02.12.2019

புதுக்கோட்டை மண்டலம்
உறுதிமொழிப் பத்திரம்

தீரு S.முத்து (Staff No. 93DR4043) த/பெ. கண்ணகம், வயது 60, முகவரி : 1/12A, வடக்கு தாளம்பட்டி, கோர்ப்புடி அஞ்சல், சிவகாசம் வட்டி, புதுக்கோட்டை மாவட்டம், முன்னாள் ஓட்டுனராகிய நான் மேலாண்மை இயக்குநர், தமிழ்நாடு அரசுப்பாக்கவரத்துக் கழகம், சும்புகோட்டை கோபுரம், சும்புகோட்டை நிர்வாகம் அரிய தங்களுக்கு 02.12.2019 -ம் தேதியன்று எழுதி கொடுத்த உறுதிமொழிப் பத்திரம்.

நான் தங்களுக்கு நிர்வாகத்தின் கீழ் புதுக்கோட்டை மண்டலம் வொன்னமராவதி கிளையில் ஓட்டுனராக பணிபுரிந்து வந்தேன். கடந்த 08.09.2008 முதல் தொடர்ந்து பலரிடம் வராத காரணத்தாலும் பதவியை வழங்கப்பட தண்டனையின்

4/12/2019



1. NY State Water Control
NY State Water Control
2. I. Rockaway
SPRING 9000
Recent work



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4. Today, when the matter is taken up for hearing, the second respondent present before this Court. When this Court enquired the second respondent with regard to the submission of such undertaking, he also accepted the same and still he stands by the same. It was informed to the second respondent that the petitioner's Management has formulated a scheme that the employee is permitted to go on compulsory retirement on the date of dismissal and the second respondent also agreed for the same. The date of dismissal of the petitioner in the present case is on 26.02.2011.

5. Therefore, this Court is directing the petitioner Management to modify the punishment of the second respondent as compulsory retirement on 26.02.2011, that is the date of dismissal and disburse all the terminal and pensionable benefits to the second respondent. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
Nsr

To

The Special Deputy Commissioner of Labour,
Chennai – 600 006.



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S.SRIMATHY, J.

Nsr

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