



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P. (MD)No.16740 of 2018**

The Management  
Tamil Nadu State Transport Corporation,  
Virudhunagar Region, Madurai Road,  
Virudhunagar.

... Petitioner

Vs

1. The Presiding Officer  
Labour Court, District Court Buildings,  
Madurai.

2. G.Raja Guru

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the record of the 1st respondent in the proceedings in I.D.No.82/2015 dated 18.07.2017 quash the same.

For Petitioner : Mr.J.Senthil Kumariah  
Standing Counsel

For Respondents : Labour Court for R1  
Mr.P.Krishnasamy for R2

**O R D E R**

This Writ Petition is filed for issuance of a Writ of Certiorari, challenging the I.D.No.82 of 2015 dated 18.07.2017.

2. The brief facts of the case are that the second respondent was working as Conductor in the petitioner Corporation and he was absent for duty without any prior permission and he had not attended duty from 26.07.2001 to 01.08.2001 and 03.08.2001 to 08.08.2002 and the petitioner was also a habitual absentee. Therefore, a Charge Memo dated 19.10.2001 was issued and the same ended up with punishment of dismissal from service, vide order, dated 09.08.2002. Aggrieved over the order, after a lapse of 13 years the second respondent has preferred an I.D before the Labour Court. The Labour Court has modified the punishment, whereby the Labour Court directed the respondents to disburse the terminal benefits till the date of dismissal from service within three months from the date of receipt of a copy of this order. Aggrieved over the order passed by the Labour Court, the petitioner Corporation has preferred this writ petition.



3. The petitioner Management's only contention is that the second respondent has preferred a petition before the Labour Court after a lapse of 13 years. It is seen from the records that the Labour Court has considered the said case and has also gone into merits and stated that the second respondent has not filed any medical report from the Doctor substantiating his absence from duty and has taken the delay also into consideration and passed an order by directing the respondents to pay the terminal benefits that is applicable to the second respondent until the date of dismissal from service.

4. This Court is of the considered opinion that there is no infirmity in this writ petition. Therefore, confirming the order passed by the Labour Court this Writ Petition is dismissed. The first respondent is directed to pay the terminal benefits within eight weeks from the date of receipt of a copy of this order.

5. With the above, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Presiding Officer  
Labour Court, District Court Buildings,  
Madurai.

Order made in

**W.P. (MD)No.16740 of 2018**

**28.04.2022**