



W.P.(MD)Nos.439 & 2160 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.11.2022**

CORAM

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

W.P.(MD)Nos.439 & 2160 of 2016

W.P.(MD)No.439 of 2016

1. N.Padmanabhan (Died)
2. P. Ahila
3. P. Sona

... Petitioners

[P-2 & P-3 are substituted vide, Court order, dated 28.11.2022]

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Labour and Employment Department,
Fort Saint George, Chennai.
2. The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
represented by its General Manager,
Trichy.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Mandamus***, directing the 1st respondent to take the complaint of the petitioner dated 03.09.2015 on file and to prosecute the 2nd respondent for not implementing the award passed in his favour in I.D.No.36 of 2002 on the file



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of the Labour Court, Trichy, dated 30.09.2013 by issuing necessary authorisation to him to prosecute the 2nd respondent for the offence committed by him under Section 29(D) of I.D. Act, 1947.

For Petitioners	: Mr.A.Rahul
For R-1	: M/s.Farjana Ghousia, Special Government Pleader
For R-2	: Mr.D.Sivaraman

W.P.(MD)No.2160 of 2016

The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam Division) Limited,
Periyamilaguparai, Tiruchirapalli – 1.

... Petitioner

vs.

1. The Presiding Officer,
Labour Court,
Tiruchirapalli.
2. N.Padmanabhan (Died)
3. P. Ahila
4. P. Sona

... Respondents

[R-3 & R-4 are substituted vide, Court order, dated 19.11.2021]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Certiorari***, calling for the records relating to the order passed by the 1st respondent dated 30.09.2013 in I.D.No.36 of 2002 and quash the same.



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For Petitioner : Mr.D.Sivaraman
R-1 : Court
For R-3 & R-4 : Mr.A.Rahul
For R-2 : Died

COMMON ORDER

W.P.(M)No.439 of 2016 has been filed seeking direction to the 1st respondent to take the complaint of the deceased petitioner, dated 03.09.2015 on file and to prosecute the 2nd respondent for not implementing the award passed in his favour in I.D.No.36 of 2002 on the file of the Labour Court, Trichy, dated 30.09.2013, by issuing necessary authorisation to him to prosecute the 2nd respondent for the offence committed by him under Section 29(D) of I.D. Act, 1947.

W.P.(M)No.2160 of 2016 has been filed to quash the Order passed by the 1st respondent, dated 30.09.2013 in I.D.No.36 of 2002.

2. For the sake of convenience the deceased 2nd respondent/N.Padmanabhan is referred as, deceased 2nd respondent and the Tamil



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Nadu State Transport Corporation (Kumbakonam Division) Limited, is referred as, petitioner Corporation.

3. The deceased 2nd respondent was working as Conductor in the petitioner Corporation and a charge memo was issued against him. After conducting enquiry, the petitioner corporation imposed punishment of dismissal from service, vide order, dated 31.03.2001. Aggrieved over the same the deceased 2nd respondent has preferred an Industrial Dispute before the Labour Court, in I.D.No.36 of 2002 and the same was partly allowed, directing the petitioner corporation to reinstate with continuity of service, but the back wages was declined. Aggrieved over the said order, the petitioner Corporation is before this Court.

4. The learned counsel appearing for the petitioners submitted that the writ petition in W.P.(MD)No.439 of 2016 has been filed to implement the award.



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5. It is seen from the records that the Labour Court has dealt with all the issues and passed speaking order. The petitioner Corporation has not raised any legally sustainable ground to interfere with the order passed by the Labour Court.

6. Accordingly, the order passed by the Labour Court in I.D.No.36 of 2002, dated 30.09.2013, is hereby confirmed. The petitioner Corporation is directed to count the continuity of the service and pay Employee's Provident Contribution for the period from 31.03.2002 to 30.09.2013. Based on which, the pension shall be disbursed. The said exercise shall be completed, within a period of 12 weeks from the date of receipt of a copy of the order.

7. With these directions, these Writ Petitions are closed. No costs.

Index : Yes / No

Internet : Yes

ksa

28.11.2022

(2/2)

To
The Presiding Officer,
Labour Court, Madurai.



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S.SRIMATHY, J

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Common Order in
W.P.(MD)Nos.439 & 2160 of 2016

28.11.2022