



W.P.No.20004 of 2018
and
W.M.P.No.23418 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20004 of 2018
and
W.M.P.No.23418 of 2018

M/s Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-636 007.

.. Petitioner

/versus/

1.Mr.S.T.Samidurai

2.The Special Deputy Commissioner of Labour,
Chennai.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the order dated 14.05.2018 passed by the second respondent in A.P.No.77/2011 and to quash the same.

For Petitioner :Mr.R.Babu

For Respondents :Mr.S.T.Varadarajulu for R1
Mr.K.H.Ravikumar, FA for R2



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ORDER

On the strength of proven charges of unauthorized absence of the first respondent, who was serving as a Conductor with the petitioner Corporation, he was dismissed from service on 26.02.2011. On the same day, the petitioner Corporation had filed an application under Section 33(2)(b) of the Industrial Disputes Act, 1947, which came to be rejected through the impugned order dated 14.05.2018. Challenging the order of rejection, the present Writ Petition has been filed.

2. Pending Writ Petition, it is stated by the learned counsel appearing for the first respondent that he was reinstated back in to service on 20.04.2022 with an undertaking that he will not claim backwages for the period of his unemployment.

3. In view of the order of reinstatement as well as the first respondent's offer to abstain from claiming the backwages in lieu of his reinstatement, the petitioner Corporation may not be prejudiced in any



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manner, since he has already chosen to reinstate the first respondent without backwages. As such, no interference may be required to the impugned order passed under Section 33(2)(b) of the Act.

4. Accordingly, this Writ Petition stands closed. No Costs.
Consequently, connected Miscellaneous Petition is closed.

19.01.2023

Index:yes/no
Speaking order/non speaking order
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To:

The Special Deputy Commissioner of Labour,
Chennai.



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M.S.RAMESH, J.

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