



W.P.No.16647 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16647 of 2017

and W.M.P.No.18026 of 2017

V.Raja

.. Petitioner

Vs.

1. The Special Deputy Commissioner of Labour
D.M.S.Compound, Anna Salai,
Chennai.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-636 007.

3. The General Manager,
Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-636 007.

.. Respondents



W.P.No.16647 of 2017

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ directing the Respondent/Management to reinstate the petitioner with continuity of service, back wages and all other attendant benefits from the date of his dismissal on 09.07.2013 by implementing the orders dated 28.10.2016 of the 1st respondent/Authority denying approval of dismissal of the petitioner in A.P.No.220/13.

For petitioner : M/s.S.Girija

For Respondents : Mr.S.John.J.Raja Singh,
Additional Government Pleader for R1

: Mr.R.Babu for R2 & R3

ORDER

This Writ Petition has been filed for a direction to the respondent corporation to reinstate the petitioner with continuity of service, back wages and all other attendant benefits from the date of his dismissal in the light of the orders passed by the 1st respondent dismissing the approval petition filed by the petitioner corporation in A.P.No.220/2013.

2. Alleging unauthorized absence to work, the petitioner was dismissed from the services of the petitioner corporation from 25.06.2014. Subsequently, the respondent corporation filed an approval petition under



W.P.No.16647 of 2017

Section 33(2)(b) of the Industrial Disputes Act before the 1st respondent seeking approval of the said dismissal, which was rejected. Challenging the said rejection order, the respondent corporation filed a Writ Petition before this Court in W.P.No.7598 of 2009 which was dismissed, against which, Writ Appeal was preferred in W.A.No.1593 of 2022 wherein, the Division Bench of this Court had converted the punishment of dismissal to compulsory retirement. Since, the terminal benefits were not settled to the petitioner, the petitioner made a representation dated 25.07.2017 to the respondents 2 & 3 seeking to implement the order passed in W.A.No.1593 of 2022 has come up with this Writ Petition with the aforesaid prayer.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondent corporation to consider the petitioner's representation dated 25.07.2017 in the light of the order passed in W.A.No.1593 of 2022 and pass appropriate orders within the time that may be stipulated by this Court.



W.P.No.16647 of 2017

4. Learned counsel appearing on behalf of respondents 2 & 3 fairly submitted that the order passed by this Court in W.A.No.1593 of 2022 will be implemented on the basis of the petitioner's representation within a period of four weeks.

5. Recording the fair submission of the learned counsel for the respondents 2 & 3, this Court without going into the merits of the case, directs the respondents 2 & 3 to implement the order 07.03.2023 in W.A.No.1593 of 2022 on the basis of the petitioner's representation dated 25.07.2017 and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order

6. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

28.07.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
NHS



WEB COPY



W.P.No.16647 of 2017

To

1. The Special Deputy Commissioner of Labour
D.M.S.Compound, Anna Salai,
Chennai.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-636 007.
3. The General Manager,
Tamil Nadu State Transport Corporation,
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-636 007.



WEB COPY



W.P.No.16647 of 2017

M.DHANDAPANI, J.

NHS

W.P.No.16647 of 2017

28.07.2023