



WEB COPY



W.P.No.10382 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM :

THE HONOURABLE DR. JUSTICE D.NAGARJUN

W.P.No.10382 of 2015

and

M.P.No.1 of 2015

The Management,
Tamil Nadu State Transport Corporation,
(Villupuram Diviosion – II) Ltd.,
Thiruvannamalai Region,
Thiruvannamalai.
Rep. By its General Manager.

... Petitioner

Vs.

1. N.Prasad
2. The Presiding Officer,
Principal Labour Court,
Vellore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
to issue a writ of certiorari, to call for records passed by the second
respondent in C.P.No.260 of 2014 dated 12.01.2015 and quash the same.

For petitioner	:	Mr.M.Aswin
For R1	:	Mr.S.T.Varadarajalu
For R2	:	Labour Court

ORDER

This writ petition is filed to quash the order passed in C.P.No.260 of
2014 dated 12.01.2015 by the second respondent.



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2. The first respondent was working as a Driver in the Arani branch of the petitioner Corporation. A charge memo dated 07.09.2009 was issued to the first respondent for his absence from duty. First respondent submitted explanation to the charges. An enquiry officer was appointed who has after conducting the enquiry has submitted the report. Based on the enquiry report, a show cause notice dated 02.02.2010 was sent to the first respondent but as there was no reply the first respondent was dismissed from service on 31.12.2010.

3. The petitioner management filed a Approval Petition No.74 of 2011 before the Joint Commissioner of Labour (Conciliation) under Section 33 (2) (b) of the I.D.Act, 1947 and the same was dismissed by an order dated 31.10.2013 on the ground that the punishment imposed was excessive and shocking. Aggrieved by the dismissal of the approval petition, the petitioner Corporation filed writ petition in W.P.No.24345 of 2014. seeking quashment of order in approval petition.

4. In the meanwhile, the first respondent filed computation petition before the second respondent seeking for a payment of a sum of Rs.10,37,420/-. The said claim petition C.P.No.260 of 2014 was allowed



and a sum of Rs.10,37,420/- was directed to be paid as arrears of salary from 21.02.2011, viz., from the date of dismissal to 21.08.2014 viz., the date on which the application was filed. Aggrieved by the same, the present writ petition is filed.

5. Heard both sides and perused the record.

6. The second respondent Labour Court has passed orders in C.P.No.260 of 2014 directing the petitioner to pay backwages to the tune of Rs.10,37,420/-. Writ petition in W.P.No.24345 of 2014 was filed aggrieved by the orders passed in Approval Petition in A.P.No.74 of 2011 and the same was disposed of on 07.06.2017 restricting the orders passed in A.P.No.74 of 2011 to the extent of re instatement of the first respondent and declined to order backwages with continuity of service. However, the petitioner Corporation has already deposited 50% of the backwages as ordered in A.P.No.74 of 2011 before the Labour Court, Vellore, therefore, the Corporation is entitled to withdraw the said amount. Accordingly, the Judge, Labour Court, Vellore, is directed to return the said amount on filing of appropriate application by the petitioner, as the learned counsel for the first respondent reported no objection for such withdrawal.



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DR. D.NAGARJUN,J.

vca

7. Accordingly , this writ petition is disposed of setting aside the impugned order insofar as payment of backwages and as per the order of the writ petition, the petitioner management has to reinstate the respondent if he has not attained the age of superannuation. Connected M.P.is closed. No costs.

05.01.2024

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Internet : Yes/No
Index : Yes/No
Citation : Yes/No

To:

The Presiding Officer,
Principal Labour Court,
Vellore.

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