



W.P. No.8449 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.8449 of 2013

1. C. Arumugam (deceased)
S/o. Chinnaiyan

2. A. Arumba W/o. Arumugam
3. A. Vijayalakshmi D/o. Arumugam
4. A. Nithya W/o. Ealumalai.
5. A. Saranya D/o. Arumugam
6. A. Ramya D/o. Arumugam
7. A. Deivasigamani S/o. Arumugam
[Petitioners 2 to 7 substituted as legal
representatives of the 1st petitioner C. Arumugam
vide order dated 06.06.2023]

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Petitioner

vs.

1. The Management
Tamil Nadu State Transport Corporation
Villupuram-605 602.

2. The Presiding Officer,
Labour Court, Cuddalore.

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Respondents

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari calling for the records in the final award made in I.D. No.138 of 2007 dated 25.08.2011 on the file of the 2nd respondent and quash the same.



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For Petitioner : Mr. K. Arunagiri
For Respondents : Mr. M. Aswin
Standing Counsel [for R1]
R2 - Court.

ORDER

This Writ Petition has been filed by the petitioners challenging the order passed by the Labour Court, Cuddalore in I.D. No.138 of 2007 dated 25.08.2011, wherein the Labour Court has dismissed the petition. Challenging the said order, the present Writ petition has been filed by the workman.

2. According to the petitioner, he filed this Writ petition to quash the award dated 25.08.2011 made in I.D. No.138 of 2007 on the file of the Labour Court, Cuddalore. The said industrial dispute was filed to set aside the dismissal order dated 16.12.2004 and to reinstate him with continuity of service, backwages and other benefits. According to the petitioner, he was working as driver in the 1st respondent Management from 25.02.1989 and his last monthly salary was Rs.6,574.80. The petitioner was suspended from service on 22.06.2004 in respect of some charges. A charge memo was issued on 06.07.2004 and he gave his explanation on 20.07.2004. Thereafter, a domestic enquiry was conducted and the enquiry officer filed his report



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stating that charges against the petitioner were proved and thereafter, the Management served the copy of the enquiry report and a Show Cause Notice was issued on 02.09.2004 and the petitioner also submitted his explanation. The explanation was not accepted by the Management and the petitioner was dismissed from service. Thereafter, he filed an appeal before the I Appellate Authority and while pendency of the said appeal, the Management filed an approval petition before the Joint Commissioner of Labour before the expiry of the appeal period and the same was also allowed. Therefore, the petitioner filed an industrial dispute before the Labour Court. Before the Labour Court, no witness was examined on the side of the petitioner and marked Ex.W1 to Ex.W.3 and on the side of the respondent Management, MW1 was examined and Ex.M.1 to Ex.M.21 were marked. After considering the documents and evidences adduced on both sides, the Labour Court has dismissed the petition. Against which, the present Writ petition is filed by the workman.

3. During the pendency of the Writ petition, the Writ petitioner died and his legal heirs were impleaded as parties. This Court directed the legal heirs of the deceased employee to give representation to the Managing Director of the Tamil Nadu State Transport Corporation, Villupuram Division stating that she is ready to forego the backwages and having four children, the



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punishment imposed on her husband may be modified from termination to that of a compulsory retirement so that she will get family pension which will help her for her survival and the four children. The said representation must be submitted in person as well as through registered post with acknowledgement card, within a week from today i.e., on or before 15.02.2024 and on receipt of the same, the 1st respondent / Managing Director, Tamil Nadu State Transport Corporation, Villupuram Division will consider the same sympathetically within a period of 4 weeks from the date of order i.e., 08.02.2024. Pursuant to the order of this Court, the petitioner also submitted the representation before the concerned authorities and the same was considered by the Board and passed Resolution dated 03.09.2024. The Board after detailed discussion, authorized the Managing Director, Tamil Nadu State Transport Corporation, Villupuram to accept the prayer of the legal heir of the deceased workman for compulsory retirement on the date of removal i.e., 16.12.2004 of Tr. C. Arumugam (expired) Ex-Driver Staff No.DR2336 of Villupuram Region in W.P. No.8449 of 2013 order dated 08.02.2024, who was dismissed for 3rd fatal accident as recommended by the Finance Committee and requested to record the above Board resolution subject in the W.P. No.8449 of 2013 at the time of hearing before this Court.



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4. Already the competent authorities have accepted the representation given by the petitioners and the punishment of 'dismissal of service' was modified to 'compulsory retirement'. Therefore, in this case, there is no need of further order to be passed by this Court.

5. In view of the above said observations, this Writ petition is disposed of. No costs.

17.12.2024

Index : Yes/No
Speaking order/non-speaking order
mjs

To

1. The Presiding Officer,
Labour Court, Cuddalore.

2. The Management
Tamil Nadu State Transport Corporation
Villupuram-605 602.

P.DHANABAL, J.,



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