



WEB COPY



WP.No.10533 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

**CORAM:
THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.10533 of 2022
and
W.MP.No.10222 of 2022**

The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd ,
Pallavan Illam, Anna Salai,
Chennai 600 002.

...

Petitioner

versus

1. The Additional Commissioner of Labour,
D.M.S.Complex, VI Floor,
Teynampet, Chennai 600 006.

2.A.P.Babu

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the order passed in P.G.A.No.19 of 2019 dated 12.10.2021 on the file of 1st respondent, Chennai-6 and quash the same.

For Petitioner : Mr.C.Gowthamraj

For Respondents : Mrs.M.Jayanthi, AGP for R1
: Mr.S.T.Varadharajulu for R2



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appeal and the appeal was also dismissed by confirming the order of the appropriate authority. In view of the action taken by the petitioner against the 2nd respondent on the allegation that he has caused revenue loss due to negligence, a sum of Rs.83,500/- has been deducted from the gratuity amount payable to him.

4. In fact the 2nd respondent has raised an industrial dispute in I.D.No.341/2004 challenging the punishment of recovery by alleging that he has caused revenue loss to the corporation. The labour Court has set aside the order of punishment and passed an award in his favour. When the management challenged the said award by way of filing Writ Petition in W.P.No. 2351/2015, this Court has passed the order by dismissing the same by upholding the award of the labour Court.

5. Since the recovery is consequential to his punishment and the punishment itself has been set aside, it is right for the authorities concerned to pass the order in favour of the 2nd respondent and it is also correct to render a finding that no deduction should be made in the gratuity amount payable to an employee. As the order of the appellate authority has been passed by rightly appreciating the order passed by the original authority and the materials



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available on record, I find no reason to interfere.

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Thus, the Writ Petition stands **dismissed**. There shall be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

30.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

jrs



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To

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R.N.MANJULA, J.

jrs

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