



W.P.No.25150 of 2021
and W.M.P.Nos.26522 of 2021 & 726 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.25150 of 2021

and

W.M.P.Nos.26522 of 2021 & 726 of 2022

The Management,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Nagapattinam Region,
140, Public Office Road,
Velippalayam, Nagapattinam - 611 101.

... Petitioner

Vs.

1.S.S.Rajeshkanna

2.The Special Joint Commissioner of Labour,
DMS Campus, Anna Salai, Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 29.10.2021 passed by the second respondent in A.P.No.89 of 2019 and quash the same, consequently, direct the second respondent to approve the order of the petitioner dated 10.06.2019 dismissing the first respondent from service.



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For Petitioner : Mr.M.Murali Vinodh
For R1 : Mr.P.Vijayakumar
For R2 : Mr.P.Sanjay Gandhi,
Government Advocate

ORDER

The writ petition has been filed challenging the order dated 29.10.2021 in A.P.No.89 of 2019 passed by Special Joint Commissioner of Labour, Chennai / the second respondent herein.

2. The writ petitioner is the Tamil Nadu State Transport Corporation (Kumbakonam) Limited and will referred to as the petitioner Corporation. The first respondent is the workman and will be referred to as the workman.

3. The workman was employed as Conductor in the petitioner Corporation. On 08.11.2018, the workman received the collection amount in route number 105B and did not enter the collection amount of Rs.8,320/- as OTRS in the computer. The workman was issued a charge



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memo and a domestic enquiry was also conducted. Charges against the workman were proved in the enquiry and hence the workman was dismissed from service. The petitioner-Corporation filed approval petition before the second respondent for approval of the dismissal order. The workman remained absent and so he was set *ex parte*. The approval application was allowed approving the dismissal order dated 23.12.2019. The workman filed a reopen petition in I.A.No.3/2021 with an inordinate delay of 570 days. The second respondent condoned the delay despite the objections of the petitioner-Corporation and reopened the case. Aggrieved by the orders passed by the second respondent, the present writ petition has been filed by the corporation.

4.At the time of hearing, the learned counsel for the petitioner submits that the workman was reinstated during the pendency of the writ petition and the workman is working since then. The counsel submits that as the workman was reinstated and as he agreed to give up his claim for backwages, the same may be recorded and appropriate orders be passed.



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5.Considering the fact that the workman has already been reinstated and that he agreed to forego his claim for backwages for the period from the date of the dismissal to the date of the reinstatement, I find no reason to interfere with the order of the Labour Court and the same is confirmed. The statement of the workman that he would not claim any backwages for the aforesaid period is recorded.

6.Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are closed.

05.03.2024

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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N.MALA, J.

mtl

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