



W.A.No.1658 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE P.DHANABAL**

**W.A.No.1658 of 2022
and
C.M.P.No.11400 of 2022**

The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy, Salamedu,
Villupuram Region,
Villupuram - 605 602

... Appellant

Vs.

1. D.Ravichandran
Driver No.DR.4692,
A.Marur Village,
S.R.Kuppam Post- 606 203
Nagalur (Via),
Villupuram District.

2. The Special Deputy Commissioner of Labour,
DMS Compound,
Chennai.

...Respondent

Writ Appeal filed under Clause 15 of the Letters patent against
the order passed by this Court in W.P.No.365 of 2017 dated 01.08.2021.



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For Appellant : Mr.T.Chandrasekaran

For Respondents : Mr.K.Arunagiri for R1
Mr.V.Ravi,
Special Government Pleader for R2.

J U D G M E N T

(The judgment of the Court was delivered by P.Dhanabal,J.)

This Writ Appeal has been filed challenging the order passed by the learned Single Judge made in W.P.No.365 of 2017 dated 01.08.2021, which was modified on 02.11.2021.

2. The learned counsel for the appellant would contend that already the writ court has passed an order on 01.08.2021, by holding that the petitioner /Transport Corporation is directed to reinstate the 1st respondent/employee in service as a fresh entrant and provide him employment to enable him to report for work from 01.10.2021. Thereafter, without serving notice on the appellant and without filing an application either for clarification or for review, the matter was listed under the caption of being mentioned and the modified order was obtained on 02.11.2021. The modified order is totally contra to the earlier order i.e., The petitioner/Transport Corporation is directed to reinstate the 1st respondent/employee in service "with continuity of service and other terminal benefits, the Management and Workmen will



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have to be paid respective arrears to the Provident Fund Department, if any in order to entitle the pension, if the same will be applicable to the First Respondent/ Workman". Therefore, the modification order passed by the writ court without serving notice and without filing any application is liable to be set aside.

3. The learned counsel for the 1st respondent would contend that after passing the order dated 01.08.2021, the 1st respondent herein had represented before the Court and the matter was listed under the caption 'for being mentioned' on 07.11.2021 and 02.11.2021. The date of hearing and the name of the counsel were also printed in the cause list and after proper notice, the writ court has passed the modification order. Therefore, the order passed by the writ court is in order and the writ appeal is liable to be dismissed.

4. This Court heard the learned counsels for both sides and perused the records.

5. It is an admitted fact that the case was disposed of on 01.08.2021 by passing an order that "*the petitioner/Transport Corporation is directed to reinstate the 1st respondent/employee in service as a fresh entrant and provide him employment to enable him to*



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order dated 02.11.2021 was modified totally contrary to the earlier order dated 01.08.2021 without any application filed by the parties. Therefore, the order passed by the writ court without any application by the parties is liable to be set aside, but at the same time, the appellant has not filed any appeal challenging the order dated 01.08.2021 and the present appeal is only in respect of the modification order passed on 02.11.2021. Therefore, the earlier order dated 01.08.2021 is intact.

8. In view of the above said discussion, the order passed by the writ court dated 02.11.2021, modifying the earlier order dated 01.08.2021, is set aside. Accordingly, the Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (P.D.B., J.)
01.04.2024

Index : Yes / No
Internet : Yes
vsi

To

The Special Deputy Commissioner of Labour,
DMS Compound,
Chennai.



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and
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