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W.A.No.881 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

**THE HONONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONONOURABLE MR. JUSTICE P.DHANABAL**

W.A.No.881 of 2024

P.A.Janarthanan
S/o P.G.Alagesan

... Appellant

Vs.

1. The Presiding Officer,
II Additional Labour Court,
Chennai - 600 104.

2. The General Manager,
Tamil Nadu State Corporation,
(Villupuram Division-III) Ltd.,
Kancheepuram - 631 501

...Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 30.08.2019 in W.P.No.29069 of 2013 passed by the learned single Judge of this Court.

For Appellant

: Mr.D.Bharathy

For Respondents

: R1-Court

Mr.M.Aswin for R2



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J U D G M E N T

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(The judgment of the Court was delivered by J.Nisha Banu,J.)

This Appeal has been filed against the order dated 30.08.2019

passed in W.P.No.29069 of 2013, by which, the award of the Labour court was confirmed. The Labour Court has passed an award declining the appellant's request for reinstatement.

2. The brief facts of the case of the appellant is that the appellant joined duty as a Driver in the 2nd respondent Transport Corporation in the year 1990. Since he met with an accident in the year 2002, he gave resignation on 11.07.2003 as per the advise of the Doctors. Subsequently, he sent a letter for withdrawal of the resignation order. However, he was issued with a relieving order by the respondent Corporation. Challenging the said order, Industrial Dispute was raised and the same was dismissed. The writ petition filed against the same was also dismissed. Hence, the present appeal.

3. Learned counsel for the appellant would state that the resignation letter and the withdrawal of the resignation was within the time frame and there is no reason for the respondents to deny the withdrawal of resignation letter stating that it was received after the stipulated period. Learned counsel would further state that the period of



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limitation starts from the date of knowledge of the said letter. He would further state that the learned Judge failed to consider the service rendered by the appellant and the resignation was only on medical reason and was genuine one. Learned counsel would further state that there is no disciplinary proceedings against the appellant and therefore, the Labour Court ought to have considered the appellant for payment of backwages and other benefits and the Writ Court also failed to consider the same. Hence, he would pray to allow the appeal.

4. Per contra, Mr.M.Aswin, learned counsel appearing for the 2nd respondent would state that the appellant submitted his resignation on 14.07.2003 after completion of 13 years of service in the 2nd respondent Corporation and the 2nd respondent approved his resignation and issued confirmation order. The withdrawal of resignation letter of the appellant was received by the 2nd respondent only on 06.08.2003. Prior to the said date, the resignation of the appellant was accepted and he has been relieved from service and therefore, he is not entitled to withdraw the resignation. Learned counsel would further state that though the award of the Labour Court was confirmed by the Writ Court, the appellant had filed a review petition as against the order dated 30.08.2019 passed in the



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writ petition and the learned Judge, after passing a detailed order, dismissed the review petition and the present appeal has been filed with a delay of nearly four years. Though the delay has been condoned, there is no merits in the writ appeal and hence, this appeal has got to be dismissed.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the 2nd respondent.

6. It is not in dispute that the appellant met with an accident in the year 2002 and only on advise of the doctors, he submitted his resignation letter dated 11.07.2003 and the 2nd respondent Corporation received the same on 26.07.2003. As per Clause 19(a) of the Model Standing Orders of the Tamil Nadu State Transport Corporation, a regular workman desirous of leaving the service of the Corporation shall give notice in writing to the Corporation within 15 days before he leaves the service of the Company.

7. Though, according to the appellant, the withdrawal of his resignation was dispatched within 15 days from the date of his resignation letter dated 11.07.2003, the same was received by the 2nd respondent Corporation only on 06.08.2003 which is evident from



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Ex.W5 acknowledgement card. Therefore, the contention of the appellant that the withdrawal of the resignation letter was received by the Corporation well within the stipulated period, cannot be countenanced. The withdrawal of resignation has reached the hands of the 2nd respondent Corporation beyond the statutory period of 15 days. The writ Court, after going through the material records, has passed a detailed order in the writ petition. We do not find any perversity, infirmity or illegality in the order passed in the writ petition. Therefore, the Writ Appeal fails and the same is dismissed. No costs.

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

04.07.2024

Index : Yes / No
Internet : Yes
vsi

To

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