



W.A.No.670 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 03.07.2024

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MR. JUSTICE P. DHANABAL

W.A.No.670 of 2024

and

CMP.No.4621 of 2024

1.The Management

Tamil Nadu State Transport Corporation
(VPM Div-I) Ltd.
Villupuram.

2.The Management

Tamil Nadu State Transport Corporation
(Villupuram Div-III) Limited
Kancheepuram

... Appellants/Petitioners

Versus

1.The Presiding Officer,

The Principal Labour Court
Chennai.

2.V.Rajendran

3.The Secretary

Transport Department
Secretariat, Fort St.George
Chennai-600 009

... Respondents/Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, as against the order dated 09.06.2023 in W.P.No.28396 of 2013.

For Appellants : Mr.R.Ramanlaal, Addl Advocate General

Assisted by Mr.M.Aswin

For respondents : R1 – Court

R2- Mr.P.Salomon

R3- Mr.V.Ravi, Spl.G.P.

J U D G M E N T

(Judgment of the Court was made by J.NISHA BANU, J.)

The Management has filed this writ appeal, challenging the order passed in the writ petition whereby the learned Single Judge confirmed the award passed in I.D.No.710 of 2001.

2. It is an admitted case that the 2nd respondent was appointed as a Cook at Thanthai Periyar Transport Corporation, Vyasarpadi Depot on 01.12.1988. His last drawn wages was Rs.600/- per month. He was terminated from service without any notice or enquiry on 14.04.1994. Since the termination was contrary to the provisions of Industrial Disputes Act, the 2nd respondent/workman raised a dispute in I.D.No.710 of 2001. After a detailed



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enquiry, the Labour court has allowed the I.D., directing the reinstatement with 50% backwages.

3. It is an admitted case of both the appellant as well as the 2nd respondent that the procedures required under Section 25F and procedures contemplated in the Industrial Disputes Act was not followed. Before terminating the workman from service, the appellant-Management has not issued any notice. The Labour court pointed out that the workman has continuously worked for 5 years and his letter of appointment shows that he worked in the Kancheepuram Division, Vyasarpadi Depot of Thanthai Periyar Transport Corporation, which was subsequently converted into TNSTC, Villupuram. Therefore, the factum that the workman was employee of Thanthai Periyar Transport Corporation was not in dispute. The Department was in confusion whether the respondent has to be reinstated in Vizhupuram or Chennai. The learned Single Judge after taking into consideration the fact that the 2nd respondent reached the age of superannuation and also the findings of the Labour court that the workman had been silent for a period of 7 years to approach the Industrial Tribunal, has rightly not granted full backwages, confirmed the order of the Labour court ordering 50% back wages together with continuity of service and all other attendant benefits.



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4. For the reasons stated above, we do not find any error or infirmity in the order passed by the learned Single Judge. Accordingly, this Writ Appeal is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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

03.07.2024

nvsri

To

- 1.The Management
Tamil Nadu State Transport Corporation
(VPM Div-I) Ltd.
Villupuram.
- 2.The Management
Tamil Nadu State Transport Corporation
(Villupuram Div-III) Limited
Kancheepuram



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**J. NISHA BANU, J.
and
P.DHANABAL,J.**

nvsri

Judgment in
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