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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

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

W.P.(MD)No.11717 of 2024

K.Kannan ... Petitioner

vs.

1.The Management of Tamil Nadu
State Transport Corporation Ltd.,
Madurai Division, Bye Pass Road,
Madurai – 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Region, Bye Pass Road,
Madurai – 625 016.

3.The Administrator,
Tamil Nadu State Transport Corporation-
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner with continuity of service in view of once again 2nd time – Rejection of Approval Petition, by the Special Joint Commissioner of Labour, Chennai in A.P.No.59 of 2015 dated 29.12.2023 under Section 33(2)(b) of the I.D. Act and allow to retire from service as superannuation with effect from 31.05.2015 and also to settle the wages for the period from 26.03.2015 being

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the dismissal dated to 31.05.2015 being the retirement date and also to settle the balance of unpaid terminal benefits, payable to him, such as commuted value of pension, surrender leave salary, post retirement benefits scheme amount, social security scheme amount and to refund the amount of institute of road transport along with monthly pension, payable from 01.06.2015 to till date with arrears together with 12% interest per annum within the time frame that may be fixed by this Hon'ble Court.

For Petitioner :Mr.A.K.Thangavelu

For R-1 & R-2 :Mr.Gladson Michael Rajadurai

For R-3 :Mr.S.C.Herold Singh

**O R D E R**

The petitioner, who was dismissed from service on 26.03.2015 at the verge of his retirement on 31.05.2015 on the allegation that he submitted a bogus education certificate at the time of his employment, has filed this writ petition seeking a direction to reinstate him with continuity of service in view of rejection of approval by the Special Joint Commissioner and to settle the terminal benefits with interest.

**2.** The proposal to remove the petitioner from service was disapproved by the Special Joint Commissioner of Labour, Chennai, vide order dated 25.07.2018. Challenging the said rejection order, the Management

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has filed a writ petition in W.P(MD)No.23580 of 2018. The said writ petition was partly allowed remitting the matter back to the competent authority to pass orders afresh by giving opportunity to the Management to comply the technical deficiencies and to settle the wages due to the petitioner herein from the date of dismissal to the date of actual superannuation along with Provident Fund and Gratuity. The said order was challenged by the Management by preferring a writ appeal in W.A(MD)No.55 of 2023. The Division Bench modified the said order by confirming the order to pay the Provident Fund and Gratuity. So far as the wages is concerned, it was ordered to decide the same subject to the outcome of the final order passed by the Special Deputy Commissioner of Labour, Chennai. However, once again the approval petition filed by the Management under Section 33(2) (b) of the I.D. Act, was rejected and hence, the petitioner claims rest of the payment including the wages to be paid and filed this writ petition seeking for a direction to the respondents to pay the remaining terminal benefits including the withheld wages.

**3.** Since the dismissal of the petitioner from service was not approved by the competent authority, the petitioner is entitled to get permission to retire from service on the date of attaining superannuation. The Division Bench has also in its judgment, ordered payment of the terminal benefits subject to the

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outcome of the proposal submitted before the competent authority for approving the dismissal of the petitioner from service. Now, the competent authority did not accord his approval for termination of the petitioner and hence, the petitioner is entitled to the relief as prayed for.

**4.** In the result, this writ petition is allowed. The respondents are directed to settle the wages from 26.03.2015 to 31.05.2015 and settle the other terminal benefits due to the petitioner together with eligible interest. The above exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

**05.06.2024**

NCC: Yes/No
Index : Yes/No
PM

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R.N.MANJULA, J.

PM

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