



W.P.(MD)No.17377 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17377 of 2024
and WMP(MD) No.14925 of 2024

S.Sundaramoorthy

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road,
Madurai 16.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to Re-instate the petitioner into service with continuity of service with all other attendant and monetary benefits from the date of dismissal on 23.11.2022 in view of the Rejection of Approval Petition filed by the respondent in A.P.No. 219 of 2022 dated 03.05.2024 by the Special Joint Commissioner



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of Labour, Chennai, the authority under the Industrial Disputes Act, 1947 and in the light of the Judgment of this Court in W.P.(MD).Nos. 3951 of 2022 and 28444 of 2023 dated 20.03.2024.

For Petitioner: Mr.S.Govindan

For Respondents: Mr.S.Ramachandra Pradeep
Standing Counsel

ORDER

Heard Mr.S.Govindan, learned counsel appearing for the petitioner and Mr.S.Ramachandra Pradeep, learned Standing Counsel appearing for the respondents.

2. The writ petition has been filed to direct the respondents to re-instate the petitioner into service with continuity of service with all other attendant and monetary benefits from the date of dismissal on 23.11.2022 in view of the Rejection of Approval Petition filed by the respondent in A.P.No. 219 of 2022, dated 03.05.2024 by the Special Joint Commissioner of Labour, Chennai.



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3.The petitioner, who was working as a Conductor was dismissed from service vide order, 23.11.2022 on certain allegations. When the respondent filed approval petition in A.P.No.219 of 2022 under Section 33(2)(b) of the Industrial Disputes Act before the Special Joint Commissioner of Labour, Chennai seeking approval, the same was rejected stating that neither domestic enquiry was contemplated nor any witnesses have been examined and principles of natural justice has been violated couple with fact that charges were not proved on oral and documentary evidence. Pursuant to the said rejection, the petitioner has made a representation to reinstate him into service with continuity of service with back wages on 10.07.2024. However, the same was not considered and the petitioner was not reinstated and no monetary benefits were given.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending



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indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's application, dated 10.07.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.



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6. With the above direction, this writ petition is **disposed of**.

No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

PNM

To

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2. The General Manager,
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Virudhunagar Region,
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R.N.MANJULA, J.

PNM

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