



W.A.(MD) No.1961 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.1961 of 2024
and
C.M.P.(MD) No.14471 of 2024**

1.The Management of Tamil Nadu,
State Transport Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employee's Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai 2.

... Appellants

-VS-

P.Balasubramaniam

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order, dated
21.12.2023, passed in W.P.(MD)No.13732 of 2021.



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For Appellants : Mr.S.C.Herold Singh
For Respondent : Mr.S.Arunachalam

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

We do not see any ground to interfere with the order of the Writ Court.

2. Admittedly, the Labour Court, in its Award had exonerated the employee of all charges and has directed reinstatement with 50% backwages. Once the charges are held to be not proved, the employee is automatically entitled to all the benefits that would arise out of a service. The Corporation cannot be heard to contend that since the Labour Court has not made a specific grant, the employee will not be entitled to the other benefits.

3. Mr.S.C.Herold Singh, learned counsel appearing for the appellants would, however, rely upon the judgment of the Hon'ble Supreme Court in **Andhra Pradesh State Road Transport Corporation (A.P.S.R.T.C.) and others vs. Abdul Kareem** reported in **2005 AIR (SC) 3791**.



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4. A perusal of the said judgment shows that the facts are entirely different, where the charge was unauthorized absence and the Labour Court while upholding the charge, had modified the punishment. Here, the charge itself has been held to have been not established. Therefore, the said judgment cannot help the Management. We, therefore, uphold the order of the Writ Court and dismissed the Writ Appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

[R.S.M., J.] [L.V.G., J.]
19.10.2024

To

- 1.The Managing Director,
Management of Tamil Nadu,
State Transport Corporation (Kumbakonam) Limited,
Kumbakonam.
- 2.The Administrator,
Tamil Nadu State Transport Employee's Pension Fund Trust,
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