



W.P.No.27819 of 2008

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M.DHANDAPANI, J.

The matter is listed today under the caption “for being mentioned”.

2. It is brought to the notice of this Court that in the first page of the order dated 19.03.2025, the appearance portion has been wrongly typed.

Therefore, this Court modifies the same as follows:

"For Petitioner : Mr.R.Babu

For Respondents : R1 – Court

R2 – Not ready notice"

3. Except the above modification, remaining portion of the order dated 19.03.2025 shall stand unaltered.

03.07.2025.

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Note: Registry is directed to issue a fresh order copy after making necessary corrections.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

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THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.27819 of 2008

The Management
Tamil Nadu State Transport Corporation,
(Salem) Salem Region, Salem,
Rep. By its Managing Director.

... Petitioner

Vs

1. The Presiding Officer,
Labour Court, Salem.

2. K.Annamalai

....Respondents

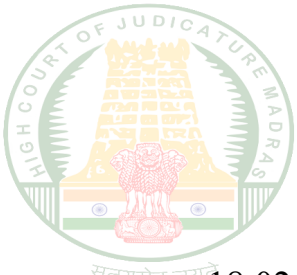
Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the award dated 18.02.2008 passed by the first respondent in ID No.608/2004 and quash the same.

For Petitioner : Mr.M.Aswin

For Respondent : Mr.R.Babu R1
R2 – No appearance

ORDER

This petition has been filed seeking to quash the order dated



18.02.2008 passed by the first respondent in ID No.608/2004.
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2. It is the case of the petitioner that the second respondent/workman has entered into service as Conductor in the year 1980. He was unauthorizedly absent from 25.05.1999 to 05.08.1999. After conducting due procedures, the second respondent was terminated from service on 18.03.2000. Challenging the order of dismissal, the workmen has raised an Industrial Dispute before the Labour Court. The Labour court vide its order dated 18.02.2008 allowed the petition and set aside the order of dismissal. Challenging the said order, the petitioner Management has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that the second respondent has not participated in the enquiry which was conducted by the petitioner. For his non appearance, the petitioner has terminated the workman from service. Without considering his misconduct, the Labour Court passed award for reinstatement, which is unsustainable. Hence, this Court may allow the writ petition by setting aside the order passed by the



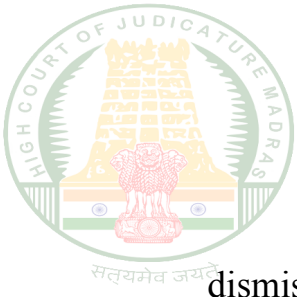
Labour Court.

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4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The case is filed in the year 2008. However, till date, the petitioner has not served notice to the workman. Considering the pendency of the writ petition, this Court is inclined to dispose of the same based on the available records.

6. On perusal of the records, it is seen that the second respondent workman joined service in the year 1999. He was unauthorizedly absent for 20 days, for which, he was dismissed from service. The said punishment is highly excessive and disproportionate. After considering the entire oral and documentary evidence, the Labour Court has rightly passed an order for reinstatement with continuity of service without backwages, which is perfectly in order and the same needs no interference. However, the second respondent has reached at the age of superannuation. Therefore, the petitioner is directed to pay the entire terminal benefits to the second respondent from the date of



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dismissal to till the date of superannuation, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is dismissed. No costs.

19.03.2025

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking

To

1. The Management
Tamil Nadu State Transport Corporation,
(Salem) Salem Region, Salem,
Rep. By its Managing Director.

2. The Presiding Officer,
Labour Court, Salem.



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To

1. The District Collector,
Chennai District.
2. The Joint Commissioner-I,
Labour Commission.



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M.DHANDAPANI, J.

Rli

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19.03.2025