



WEB COPY

WP No. 9600 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 9600 of 2019

AND WMP NO. 10207 OF 2019

1. The Managing Director
Tamil Nadu state Transport Corporation
(Salem Division-1) Ltd, 12,
Ramakrishna Salai, Salem- 636 007
Salem

Petitioner(s)

Vs

1. S.Govindaraj
S/o.Sadaiyan, Malliyakundham Po,
Mettur Tk- 636458 Salem Dt, Salem

Respondent(s)

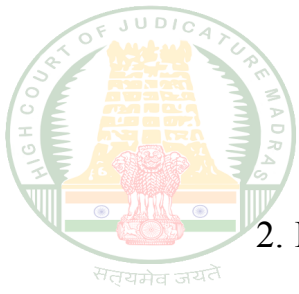
Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order dated 10.04.2018 passed by the Labour Court, Salem in I.D. NO.127 of 2013 and to quash the same.

For Petitioner(s): M/s. M. Aswin,

For Respondent(s): M/S.D.LAKSHMIPATHY

ORDER

This petition has been filed seeking to quash the order dated 10.04.2018 passed by the Labour Court, Salem in I.D. NO.127 of 2013.



2. It is the case of the petitioner that the respondent was working with the petitioner Corporation as Conductor since 05.11.2008. The respondent had been unauthorisely absent from 02.02.2012. Due to the same, the petitioner issued charge memo. After enquiry, the respondent was dismissed from service. Challenging the order of dismissal, the the respondent filed industrial dispute the Labour Court and the same was allowed in favour of the respondent. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that during pendency of the writ petition, the respondent was reinstated to service with backwages and hence, this Court may set aside the backwages awarded by the Labour Court and direct the petitioner to fix the wages to the respondent on par with the juniors.

4. The learned counsel for the respondent have not raised any objection in this regard.

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

6. Considering the fact that for unauthorised absent, the petitioner has ordered for dismissal, which is highly disproportionate. However, during pendency of the writ petition, the respondent was reinstated to service with



backwages, which is on the higher side. Therefore, this Court is inclined to modify the award as follows:

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- 1. The petitioner Corporation is directed to pay the current wages to the respondent on par with the juniors within a period of four weeks from the date of receipt of a copy of this order; and*
- 2. The respondent is not entitled for any backwages.*

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Labour Court, Salem.

2. The Managing Director

Tamil Nadu state Transport Corporation (Salem Division-1) Ltd, 12,
Ramakrishna Salai, Salem- 636 007 Salem.



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