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W.P.No.16931 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.16931 of 2025
and WMP.No.19227 of 2025

M.Balasubramanian

... Petitioner

Vs

- 1.The Chairman and Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
37, Mettupalayam Road, Coimbatore - 641 043.
- 2.The General Manager
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
37, Mettupalayam Road, Coimbatore - 641 043.
- 3.The Manager (Legal)
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
37, Mettupalayam Road, Coimbatore - 641 043.
- 4.The Joint Commissioner (Labour)
III Floor, DMS Complex
Tamil Nadu Textbook Society Building
Mount Road, Chennai - 600 002.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent herein to implement the award dated 24.04.2024 made in A.P.No.48/2023 on the file of the fourth respondent herein namely the learned Joint Commissioner (Labour), III Floor, DMS Complex, Tamil Nadu Textbook Society Building, Mount Road, Chennai - 600 002, within a time-frame that may be stipulated by this Court.

For Petitioner : Mr.K.S.Govinda Prasad

For Respondents : Mr.A.N.Purushotham
Special Government Pleader for R4

ORDER

The above writ petition is filed for a mandamus directing the first respondent to implement the award dated 24.04.2024 made in A.P.No.48/2023 on the file of the fourth respondent within a time frame to be stipulated by this Court.

2. The short facts which have culminated in filing the writ petition are set out in the words of the petitioner as in the affidavit filed by him, as below:

a) The petitioner has been appointed as a driver in the respondent-



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Corporation pursuant to the selection made from and out of the list made by the Employment Exchange, Coimbatore, on 21.01.1998.

The interview was held on 05.02.1998 and the petitioner was selected and appointed as Trainee Driver in the respondent-Corporation on 06.03.1998. The petitioner was asked to pay necessary charges at the time of his appointment, which sum has also been paid by the petitioner.

- b) The petitioner had completed his training from 10.03.1998 to 05.04.1998 (27 days) and thereafter, he was appointed as Daily wage Driver from 05.04.1998. The petitioner was discharging his duties blemishlessly without any complaints and he moved to the Selection Grade.
- c) While so, the petitioner had developed an ailment of seizure on 14.09.2014 and was admitted in PSG Hospital, Coimbatore, where he had undergone frequent treatments under the care and guidance of Dr.M.B.Pranesh. The doctor after examining him, opined that he should not prone to heavy jobs like lifting heavy objects and also to refrain from driving the bus, which he had been in avocation prior to his ailment. The petitioner was advised to take medication



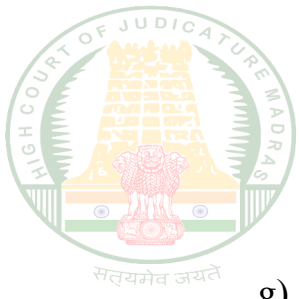
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prescribed to him regularly and avoid sleeping late into the night since there is every likelihood of he having seizure while on the wheels.

- d) In this circumstances, the petitioner had requested the respondent-Corporation to allocate him a different job, preferably a desk job, for which, he had submitted a representation on 05.12.2024 to the respondent-Corporation.
- e) In order to ascertain the percentage of ailment, the petitioner was directed to appear before Medical Board on five occasions for the period spread over between 2015 to 2017, and despite the petitioner forwarding the reports of the Medical Board to the respondent-Corporation, they were reluctant to offer a desk job to the petitioner. Several letters to the Management and personal visits by the petitioner, did not yield the required response from the Management.
- f) Though awaiting favourable reply in response to the 12 communications sent by the petitioner, to his dismay, he was slapped with a charge memo dated 13.07.2016, alleging that the petitioner was on unauthorised absence for more than a period of 10 days from 21.06.2016, without any intimation. To this charge memo, the



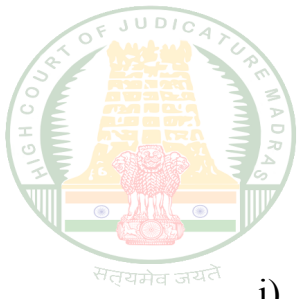
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petitioner had submitted his explanation on 07.10.2016.

- g) After a lapse of five months, the respondent by its letter dated 24.03.2017, had informed the petitioner that his representation seeking alternate work is under consideration, and that by an order dated 25.03.2017, the petitioner was directed to report duty.
- h) Thereafter, by the proceedings of the General Manager of the Corporation, dated 18.04.2017, the petitioner was informed that he would be provided with an alternate job i.e., Non-ITI Helper for a period of one year i.e., from 18.04.2017. However, the Branch Incharge of the respondent-Corporation did not provide him the job assured in the letter dated 18.04.2017, but insisted the petitioner to work in the Technical Section, Tyre Section, Diesel Section, Air Checkup Section, Bus Spare Parts Section etc., This clearly indicates the malafides and vindictive attitude of the Management.
- i) Without any hesitation, the petitioner had performed the work assigned to him, however, on account of his deteriorating health, he was forced to avail leave. Since the respondent-Management had not sanctioned him the leave, the petitioner remained absent to duty which is neither willful nor wanton, for which, a charge memo was



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issued and enquiry proceedings were conducted.

- j) The petitioner would contend that the acts of respondent had caused great deal of hardship to him both financially as well as physically, which also forced him to suffer from other ailments like diabetics, his vision in both eyes were affected and also undergone a plastic surgery in his left ear etc.,
- k) Despite the petitioner suffering from the aforementioned ailments, and the same was brought to the notice of the Management, he was assigned with heavy jobs in the tyre section, which forced the petitioner to leave the job.
- l) Subsequently, in pursuance of the charge memo, an enquiry was conducted against the petitioner, without following the due procedures and an exparte report was submitted holding that the petitioner is proved guilty of all charges levelled against him. Based on the findings of the enquiry officer, the petitioner was inflicted with a punishment of "Dismissal from Service".
- m) The Management thereafter filed a petition before the Joint Commissioner (Labour), the fourth respondent herein, seeking approval for terminating the petitioner from the respondent-



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Corporation, which was taken on its file in A.P.No.48/2023. This application came to be dismissed by the fourth respondent by an order dated 24.04.2024. However, the respondent-Corporation has not given effect to the award passed by the fourth respondent.

Aggrieved by the same, the petitioner is before this Court seeking a mandamus under Article 226 of the Constitution.

3. When the matter came up for admission before this Court, the learned counsel appearing for the petitioner also brought to the notice of the Court that the respondent-Management had preferred a writ petition in W.P.No.12736 of 2025 challenging the award in A.P.No.48 of 2023, which came to be dismissed by an order dated 09.04.2025, thereby confirming the findings of the fourth respondent. However, the respondent-Corporation had failed to comply with the orders of the fourth respondent dated 24.04.2025 in A.P.No.48 of 2023 as well as the orders of this Court in W.P.No.12736 of 2025. Hence, the present petition is filed by the petitioner seeking a mandamus.

4. Heard the submissions of the learned counsel appearing for the



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petitioner and Mr.A.N.Purushotham, learned Special Government Pleader
for the fourth respondent.

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5.A perusal of the records would show that the approval petition filed by the respondent-Management in A.P.No.48/2023 seeking to terminate the petitioner-workman was dismissed on 24.04.2024, on the ground that the approval petition was not filed simultaneously and it was filed after a delay of seven days. That apart, the writ petition filed by the respondent-Corporation in W.P.No.12736 of 2025 challenging the very same award of the fourth respondent in A.P.No.48/2023, was also dismissed by a learned Single Judge of this Court, upholding the award passed by the fourth respondent. The learned Single Judge has also held that the respondent-Corporation has not provided any explanation for the delay in filing the said A.P.No.48/2023 and it does not fulfill the requirements as provided under Section 33(2)(b) of the Act.

6. Now the petitioner has filed the above writ petition seeking a mandamus to implement the award dated 24.04.2024 in A.P.No.48/2023. Taking into account that the approval petition in A.P.No.48/2023 filed by



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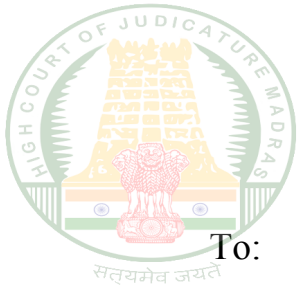
the respondent-Management came to be dismissed by the fourth respondent on 24.04.2024, which order was confirmed by this Court in W.P.No.12736 of 2025, and considering the fact that the respondent-Management have not taken steps to implement the award to date, clearly shows the vindictive and malafide attitude of the respondent-Corporation. Hence, this Court is of the considered view that there is merit in the case of the petitioner and therefore, the relief sought by the petitioner in the present writ petition shall be given effect to. Accordingly, the writ petition is allowed and a mandamus is issued to the first respondent-Corporation to implement the award passed by the fourth respondent within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2025

Index : Yes / No

Neutral Citation : Yes / No

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P.T. ASHA, J.

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