



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-06-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 20715 of 2025

and

WMP No. 23361 of 2025

N.Akman

Petitioner(s)

Vs

1.Tamil Nadu State Transport
Corporation
Rep by its Managing Director,
Mr.Joseph Diaz,
(Salem Division) Division II,
Ramakrishna Road, Salem-7.

2.Tamil Nadu State Transport
Corporation
Rep by its General Manager
(Managment), Mr.K.Selvam,
(Salem Division), Salem Main Road,
Bharathipuram, Dharmapuri -636 705.

Respondent(s)

PRAYER



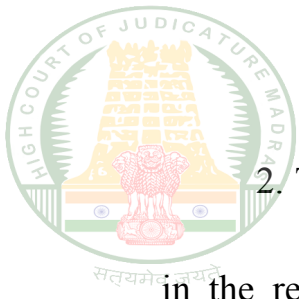
to call for the entire records relating to the proceedings of the letter dated 08.01.2025 issued by the respondents vide No.Pa.Mu.No.595/13630/D2/TNSTC/2013 and to quash the same and to direct the 1st and 2nd respondents to issue an appointment order to reinstate the petitioner in service with all benefits and to pay wages from the period 19.12.2014 until the appointment and to direct the respondents to pay compensation as the second respondent has failed and delayed to pass the order for the past 7 years which the respondents caused through these years, till the disposal of this writ petition.

For Petitioner(s): Mr.H.Syed Alim

For Respondent(s): Mr.K.Raja,
Standing Counsel

ORDER

The instant writ petition has been filed challenging the impugned order dated 08.01.2025 issued by the respondents. The petitioner seeks directions to the respondents to issue an appointment order to reinstate the petitioner in service with all benefits and to pay wages from the period 19.12.2014 until the appointment and to direct the respondents to pay compensation for the delay of over 7 years in passing the order, which has caused prejudice to the petitioner during the pendency of this writ petition.



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2. The petitioner states that he was appointed as a daily wage Conductor in the respondent-Transport Corporation through the Employment Exchange Office and later became a permanent Conductor with effect from 01.09.1999, after completion of 240 days of service. However, he was terminated from service on 19.12.2014. When the respondents sought approval for the dismissal, the approving authority denied it on 12.09.2017 in A.P.No.317 of 2014. The petitioner then submitted a representation for reinstatement, which was not considered, prompting him to file a writ petition in W.P.No.30796 of 2018. This Court directed the respondents to consider the representation dated 21.06.2018. After a significant delay, the respondents sent a letter dated 08.01.2025, denying reinstatement, citing an appeal against the approving authority's order in W.P.No.8960 of 2019. However, the petitioner contends that the said writ petition was dismissed for default on 22.11.2021. Thereafter, with a mala fide intention, the respondents filed a condone delay petition against the dismissal order of W.P.No.8960 of 2019, without intimating the petitioner and the said petition was also dismissed on 07.04.2025.



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3. From the submission of the petitioner this Court finds no merit in the petition, primarily because the redressal of the grievances involves disputed facts, which cannot be effectively addressed in a writ proceedings. As a matter of fact, according to the judgment of the Constitution Bench in ***Jaipur Zila Sahakari Bhoomi Vikas Bank Limited vs. Ram Gopal Sharma and Others***¹, the Apex Court has held as follows:

“14. If the authority refuses to grant approval obviously it follows that the employee continues to be in service as if the order of discharge or dismissal never had been passed. The order of dismissal or discharge passed invoking Section 33(2)(b) dismissing or discharging an employee brings an end of relationship of the employer and employee from the date of his dismissal or discharge but that order remains incomplete and remains inchoate as it is subject to approval of the authority under the said provision. In other words, this relationship comes to an end de jure only when the authority grants approval. If approval is not given, nothing more is required to be done by the employee, as it will have to be deemed that the order of discharge or

1. (2022) 2 SCC 244



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dismissal had never been passed. Consequence of it is that the employee is deemed to have continued in service entitling him to all the benefits available. This being the position there is no need of a separate or specific order for his reinstatement.”

4. In such view of the matter, the petitioner is granted liberty to approach the Labour Court within a reasonable time.

5. With this liberty, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

13-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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C.KUMARAPPAN J.

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