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W.A.No.2568 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

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THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.A.No.2568 of 2025

and

C.M.P.No.20433 of 2025

The Management,
Tamilnadu State Transport Corporation (Salem) Ltd.,
Bharathipuram, Salem Road,
Dharmapuri-5 ..Appellant

Vs.

1. C.Louis,
S/o Chinnappan
2. The Special Deputy Commissioner of Labor,
Chennai - 6. ..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against
the order dated 20.09.2024 passed in W.P.No.22529 of 2019.

For Appellant : Mr.M.Aswin

For Respondents : Mr.R.Jaikumar for R1
Mr.M.Rajendran,
Addl.G.P. for R2



JUDGMENT

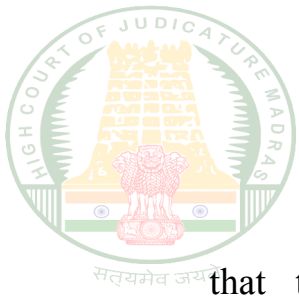
(The judgment of the Court was made by J.Nisha Banu,J.)

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This Writ Appeal has been filed as against the order dated 20.09.2024 passed in W.P.No.22529 of 2019.

2. The Writ Petition filed by the Management of Tamil Nadu State Transport Corporation as against the order passed by the Labour Court was dismissed, by directing the respondent management to reinstate the petitioner workman into service along with backwages and other attendant benefits within a period of two weeks from the date of receipt of the said order.

3. Learned counsel for the appellant/ Transport Corporation would state that the writ court failed to consider the case of misconduct and simply dismissed the writ petition for non-examination of eye witness in a domestic enquiry. He would further state that the writ court failed to consider that the workman committed 59 previous misconduct, out of which, he committed four fatal accident and the workman was dismissed from service with full one month wage. Therefore, he would pray to set aside the order passed in the writ petition.



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4. Learned counsel for the workman/1st respondent would state that the management did not conduct the enquiry in compliance of the principles of natural justice and there was shortfall in paying one month salary at the time of dismissal and the management did not produce any material to show that the amount is inclusive of enhanced dearness allowance and thus, the approval petition was dismissed. Therefore, he would pray to confirm the order passed by the writ Court. He would further state that the workman is ready to forego the backwages. Learned counsel for the 1st respondent would also state that the 1st respondent has also filed an affidavit to that effect.

5. Heard both sides and perused the materials available on record.

6. On perusal of the order passed in the writ petition, we find that a prima facie case for dismissal from service has not been proved. Though the first respondent had received Rs.23,450/- from the management, according to the Labour Court, the said amount does not represent the whole salary payable to him in view of the raised dearness allowance as per G.O.No.245 Finance (Allowance) Department. The management did not produce any materials to prove their case. The enquiry has not been conducted in compliance with the principles of natural justice and the



approval petition was dismissed by the Labour Court and hence, the same was confirmed by the writ Court, which in our opinion, does not warrant any interference by this Court.

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7. Learned counsel for the 1st respondent has filed an affidavit dated 19.08.2025 stating that he is ready to forego the backwages. Paragraph No.9 of the said affidavit filed by the 1st respondent reads as follows:

"9. I state that I am ready and willing to forego backwages provided (i) if the management agrees to reinstatement with continuity of service and all other attendant benefits notionally from the date of dismissal 18.10.2014 to till the date of my retirement/ superannuation 06.08.2025 with annual increments, periodically revision of pay and review benefits and (ii) if the management agrees to pay me both employer and employee PF contribution for the entire period as if I continue employment in the management and (iii) if the management agrees to pay terminal benefits namely Gratuity, PF, commutation and monthly pension from 07.08.2025 based on such notional last drawn pay as on date of superannuation."

8. The aforesaid statement made in the affidavit filed by the 1st



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respondent/workman is recorded. As the 1st respondent/workman is willing to forego the backwages, except payment of backwages, the order passed by the writ Court is confirmed. Accordingly, the Writ Appeal is dismissed. The appellant/management is directed to reinstate the 1st respondent/workman into service with all other attendant benefits within a period of eight weeks from today. No costs. Consequently, connected miscellaneous petition is closed.

Post the matter on 14.10.2025 for reporting compliance.

[J.N.B.,J.] [M.J.R.,J.]
19.08.2025

vsi
Speaking order/Non-speaking order
Neutral Citation: Yes/No



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AND
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