



WP No.5564 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

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CORAM:
THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos. 5564 of 2025
and W.M.P.N.6153 of 2025

The Management,
Metropolitan Transport Corporation (Chennai) Limited,
Pallavan House, Anna Salai,
Chennai 600 002

.... Petitioner

Versus

1. The Special Joint Commissioner of Labour,
Authority under Industrial Disputes Act,
DMS Compound,
Teynampet, Chennai-600 006.

Thiru. A. Moorthy (Died),

2. M.Sangeetha,
W/o.Late A.Moorthy,

3. M.Divya Bharathi,
D/o.Late A. Moorthy,

4. M.Kalai Selvi,
D/o.Late A.Moorthy,

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Ceterarified Mandamus to call for the records of the 1st respondent pertaining to his proceedings in A.P.No.39 of 2022 dated 11.09.2023 and quash the same and consequently allow the approval petition filed by the petitioner management in A.P. No.39 of 2022.

For Petitioner : Mr.A.Vinothraj

For Respondents : Mr.K.Surendran,
Additional Government Pleader for R1
Mr.Ajyay Khose for R2 to R4

ORDER

This petition is filed by the petitioner seeking to call for the records of the 1st respondent pertaining to his proceedings in A.P.No.39 of 2022 dated 11.09.2023 and quash the same and consequently allow the approval petition filed by the petitioner management in A.P. No.39 of 2022



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2. The facts leading to filing of this writ petition is stated as

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This writ petition challenges the order dated 11.09.2023 passed by the 1st respondent. A.Moorthy, the husband of the 2nd respondent who was an employee of the petitioner/Transport Corporation, passed away on 14.12.2023, pending the writ petition and his legal heirs were added as 3rd to 5th respondents. The Relevant documents viz., death certificate, legal heir certificate are enclosed. The order passed by the 1st respondent was passed without considering critical factual details raised by the Petitioner.

The key facts of the case are outlined below:

3.The 2nd respondent, a driver at Avadi Depot (Employee No. D53037), was on unauthorized absence from 02.09.2020 for over 8 days without any prior permission or intimation, which caused operational disruption and revenue loss. This was a violation of the certified Standing Order No. 25 (VI). A charge memo was issued to the 2nd respondent's husband on 08.10.2020 upon receiving complaint regarding



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his absence, which resulted in the issuance of charge memo. Despite multiple opportunities, he had not responded to the charge memo or attended the enquiry. After domestic enquiry, where the 2nd respondent's husband failed to participate, he was found guilty of the charges. Despite sending notices and offering further chances, the 2nd respondent's husband refused to cooperate. As a result, he was dismissed from service on 28.02.2022 following due process. A statutory approval petition in A.P. No. 39 of 2022 was submitted to the 1st respondent for approval of the order of dismissal, but it was rejected without proper consideration. The 2nd respondent's husband's claim of medical ailments lacked supporting evidence. The 1st respondent's rejection of the approval petition on 11.09.2023 is under contest. Hence the present petition.

4.The learned counsel for the petitioner/Transport Corporation submits that the 2nd respondent's deceased/husband A.Moorthy is an employee of the Petitioner/Transport Corporation, who was unauthorizedly absent from 02.09.2020 onwards and after conducting enquiry he was dismissed from service vide order dated 28.02.2022 and



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thereafter, the petitioner/Corporation filed approval petition under Section 33(2) (B) of Industrial Disputes Act and the same was rejected, challenging the same the present writ petition is filed.

5.The learned counsel for the petitioner/Corporation, further submitted that pending further proceedings the workmen died on 14.12.2023 and the second respondent/legal heirs of the deceased were trepassed as party respondents and legal heirs have filed an application before the petitioner/Corporation submitting that they are willing to forego the backwages from the date of dismissal till the date of death i.e., 28.02.2022 to 14.12.2023 and sought for disbursement of the terminal benefits.

6.Learned counsel for the respondents fairly submitted that the legal heirs of the deceased should be happy to receive the terminal benefits upon reinstatement of the petitioner by foregoing the backwages from the date of dismissal till the date of death of the workmen

7.In view of the stand taken by the learned counsel for the



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respondent/legal heirs by foregoing backwages and also considering the fact that the order passed by the Tribunal is just and proper, not attracting any interference and considering the length of service of the deceased. This Court disposes of the writ petition by directing the petitioner/Corporation to settle the entire terminal benefis without backwages from 28.02.2022 to 14.12.2023 with continuity of service and other terminal benefits to the legal heirs/ respondents within a period of eight weeks from the date of receipt of a copy of this order.

Resultantly, the writ petition stands disposed of with the aforesaid directions. There shall be no order as to cost. Consequently, connected miscellaneous petition is closed.

24.02.2025

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsn

To

The Special Joint Commissioner of Labour,
Authority under Industrial Disputes Act,
DMS Compound,
Teynampet, Chennai-600 006.

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M.DHANDAPANI, J.

vsn

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