



W.A(MD)No.2281 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)No.2281 of 2025

and

C.M.P(MD)Nos.12845 of 2025

The Management,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Maruthupathi, Managiri,
Karaikudi-630 307.

... Appellant

Vs.

1.The Special Joint Commissioner of Labour,
O/o.Commissioner of Labour,
Chennai-6.
2.V.Alavumurugan

...Respondents

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Appeal, to set aside the order passed in W.M.P(MD)No.4665 of 2025 in W.P(MD)No.6332 of 2025 dated 24.03.2025.

For Appellant
For R1

: Mr.I.Jeen Felix
: Mr.S.P.Maharajan
Special Government Pleader



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JUDGMENT

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

We have heard the learned counsel appearing for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the first respondent.

2. The intra court appeal on hand has been instituted challenging the interim order of stay granted in W.M.P(MD)No.4665 of 2025.

3. Admittedly, disciplinary proceedings were initiated against the second respondent, who was working as a driver in the Transport Corporation. By conducting departmental enquiry, the second respondent was inflicted with the major penalty of dismissal from service. The approval petition filed by the Management in terms of Industrial Dispute Act was rejected. Challenging the said rejection order, Tamilnadu State Transport Corporation (Kumbakonam) Ltd., filed a writ petition in W.P(MD)No.6332 of 2025. In the writ petition filed by the Management challenging the rejection of approval, the Writ Court has granted an interim stay in favour of the second respondent and to reinstate him in service.



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4. The fact remains that the second respondent was dismissed from service with effect from 31.05.2023 and he was not working for the past more than two years. That being so, interim stay granted to reinstate the second respondent in service after a lapse of two years from the date of dismissal is not in consonance with the established principles. Contrarily, the parties would have establish their case in the writ petition enabling the Writ Court to pass final orders on merits and in accordance with law. It is brought to the notice of this Court that the writ petition is listed for final hearing on 18.08.2025. That being so, the parties are at liberty to raise their grounds in the writ proceedings, however, the interim order need not be sustained.

5. Accordingly, interim order granted by this Court dated 24.03.2025 in W.M.P(MD)No.4665 of 2025 in W.P(MD)No.6332 of 2025 is set aside and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (G.A.M., J.)
12.08.2025

NCC : Yes / No
Index : Yes / No
am



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To
The Special Joint Commissioner of Labour,
Chennai-6.



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