



W.A(MD) No.159 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.159 of 2020

and

C.M.P.(MD)No.1157 of 2020

1.The Management,
Tamil Nadu State Transport Corporation Madurait Ltd.,
Madurai Region,
Represented by its General Manager,
Bye Pass Road,
Madurai. ... Appellant / 2nd Respondent

Vs.

1.The Presiding Officer,
Labour Court,
Madurai. ... 1st Respondent / 1st Respondent

2.Sakthivel (Died) ... 2nd Respondent / Petitioner

3.L.Chitra Devi

4.R.Shanmuga Priya

5.S.Premkumar
(R3 to R5 / LR's of the deceased 2nd Respondent are
substituted vide Court order dated 17.06.2025 made
in C.M.P.(MD)No.4908 of 2025 in W.A.(MD)No.159 of 2020)



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 13.12.2018 made in W.P.(MD)No. 11720 of 2014 on the file of this Court.

For Appellant : Mr.J.Senthil Kumaraiah

For Respondents : Mr.A.Rahul
for R3 to R5

R1- Labour Court
R2-died

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. Thiru.M.Sakthivel had joined the appellant corporation in the year 1980 (then known as Pandian Railways Corporation). He was charged with misconduct and dismissed from service vide order dated 16.10.2003. The dismissal order was also approved by the Special Deputy Commissioner of Labour, Chennai under Section 33(2)(b) of the ID Act. Challenging the grant of approval, Sakthivel filed W.P.(MD)No. 20900 of 2006 before the Principal Seat. He also raised an industrial



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dispute in the year 2011 before the Labour Court, Madurai challenging his dismissal under Section 2(A) of the ID Act. It was taken on file as I.D.No.18 of 2011. The Labour Court passed the award dated 30.05.2012 setting aside the order of dismissal. Continuity of service was, however, denied for the period from the date of dismissal till 16.02.2021 when the industrial dispute was raised. Challenging the award of the Labour Court ordering reinstatement, the Management filed W.P.(MD)No.5725 of 2013, Challenging the denial of continuity of service for the aforesaid period, Sakthivel filed W.P.(MD)No.11720 of 2014. Both these writ petitions were taken together and disposed of by the common order dated 13.12.2018 in the following terms:-

“11.Thus, the order of the Labour Court directing reinstatement of the employee is upheld while the order of the Labour Court excluding the period between 2004 to 15.02.2011 for the purpose of determination of benefit of continuity of service, wages and attendant benefit is liable to be interfered. Accordingly, the employee will be entitled to continuity of service for the purpose of determination of terminal benefits as he has retired pending disposal of the writ petition and is not guilty of alleged misconduct.

12.The period during which the employee was suffering from dismissal shall be treated as a period of suspension. For the aforesaid period, the Management of the Tamil Nadu State Transport Corporation, Madurai Limited, shall pay to the employee the arrears of



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subsistence allowance together with notional benefits to the employee as if the employee was in service but under suspension.

13.This amount shall be calculated and paid along with interest at 7.5% per annum. The arrears of subsistence allowance shall be paid separately by treating the period during which the employee was under dismissal from service as a period of suspension excluding the amounts already paid.

14.The terminal benefits shall be paid to the employee together with interest at 7.5% per annum from the date of the employee attaining age of superannuation by treating the entire period till the employee was reinstated to service as having been in service. The employee shall not be entitled to arrears of salary during the period of dismissal which has been treated as a period of suspension. Unless the rules governing the Tamil Nadu State Transport Corporation, Madurai Limited allows for payment of .. during the period of suspension if an employee is reinstated back to service.

15.The Management of the Tamil nadu State Transport Corporation (Madurai) Limited shall pay the amount to the employee, within a period of eight weeks from the date of receipt of the order of this Court in the above writ petitions.

16.In the result, W.P.(MD)No.5725 of 2013 is dismissed. W.P(MD)No.11720 of 2014 is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.”

3. The management did not challenge the order made in W.P. (MD)No.5175 of 2013. Thus, the award of the Labour Court has become



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final. Challenge has been mounted only in respect of the order made in the writ petition filed by the employee. During pendency of the writ petition, the employee passed away and his legal heirs have come on record.

4. On instructions from the respondents, the learned counsel submitted that they would forgo the claim for subsistence allowance as directed by the learned single Judge. The learned counsel only submitted that the management may be directed to remit the employer's contribution to the pension Trust and that the continuity of service may be confirmed.

5. The learned counsel appearing for the Management submitted that Thiru.Sakthivel was inflicted with as many as 23 punishments during his service. In fact, he was earlier dismissed from service for an act of misappropriation. But then, the dismissal order was set aside by the Labour Court.

6. Considering the antecedents of the employee, we are of the view that it would meet the ends of justice, if the management is directed to pay their contribution to the pension Trust and deduct 50 % from the



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terminal benefits of the employee. The order of the learned single Judge is modified. The pension Trust will not insist on payment of interest. Continuity of service ordered by the learned single Judge is confirmed. The Writ Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
20.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To
The Presiding Officer,
Labour Court,
Madurai.

G.R.SWAMINATHAN, J.
AND
K.RAJASEKAR, J.

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