



W.P.(MD)No.24315 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.24315 of 2018

and

W.M.P.(MD)Nos.22005 of 2018 and 11079 of 2019

The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
Periyamilaguparai, Tiruchirapalli.

... Petitioner

vs.

V.Jayasimman (Died)

1.Tamil Selvi
2.Jeyatamil
3.Jeyabalaji
4.Jeyalakshmi
5.Jeyakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the order passed by the Labour Court, Tiruchirappalli, dated 17.05.2016 in I.D.No.7 of 2008 and to quash the same.

For Petitioner :Mr.S.C.Herold Singh

For Respondents:Mr.G.M.Xavier



W.P.(MD)No.24315 of 2018

ORDER

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This Writ Petition has been filed by the petitioner Corporation aggrieved by the order, dated 17.05.2016 passed in I.D.No.7 of 2018 by the learned Labour Court, Trichy.

2.The brief facts, that are relevant for the disposal of the Writ Petition, are as under:

3.One Mr.V.Jayasimman, while working as a Driver in the petitioner Corporation, was subjected to disciplinary proceedings on the ground of unauthorised absence from 02.05.2003 to 04.06.2003. Accordingly, a charge memo, dated 24.06.2003, was issued and thereafter, after conducting a regular enquiry, the said Driver was dismissed from service by order, dated 29.12.2003. It was, thereafter, and after the lapse of five years, the said V.Jeyasimman raised an industrial dispute in I.D.No.7 of 2008 on the file of the learned Labour Court, Trichy, against the dismissal order, dated 29.12.2003.

4.During the pendency of the said dispute, the said Driver, V.Jeyasimman, expired on 07.03.2008 and in view of the same, his legal representatives were brought on record.

5.The learned Labour Court after having examined and after conducting elaborate enquiry, came to the conclusion that the charges levelled against the



W.P.(MD)No.24315 of 2018

employee are established and also came to the conclusion that the petitioner Corporation had conducted the enquiry by following due procedure and affording reasonable opportunity to the Driver. However, the learned Labour Court, having uphold the charges as well as the procedure followed by the petitioner Corporation, came to the conclusion that the punishment of dismissal from service is disproportionate to the charges levelled against the employee and accordingly, set aside the order of dismissal and directed the petitioner Corporation to treat that the deceased employee was deemed to have been in continuous service till 07.03.2008 and further, directed the petitioner Corporation to settle all the terminal benefits payable to the deceased employee in favour of the respondents 2 to 5 herein. It is aggrieved by the said award, the petitioner has approached this Court.

6.As against the findings rendered by the learned Labour Court upholding that the charges levelled against the deceased workman and also the procedure followed by the petitioner Corporation, there is no challenge. The said findings rendered by the learned Labour Court have attained finality. It is only the petitioner Corporation has approached this Court aggrieved by the direction to settle the terminal benefits.

7.In the light of the above, the only issue that arise for consideration before this Court is as to whether the learned Labour Court having upheld the conclusion



W.P.(MD)No.24315 of 2018

arrived at by the petitioner Corporation on the charges levelled against deceased
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employee, is justified in directing the petitioner Corporation to treat that the
deceased employee deemed to have been in service till 07.03.2008 and in awarding
all consequential benefits including 100% back wages.

8.Once it is accepted that there is misconduct on the part of the deceased
employee and there was no contest against the conclusion arrived at by the
petitioner Corporation which was confirmed by the learned Labour Court, the
learned Labour Court appears to have fully exonerated the deceased workman on a
sympathetic ground, in view of the demise of the workman on 07.03.2008, ie., during
the pendency of the proceedings before it.

9.No doubt, the conclusion of the learned Labour Court that the order of
dismissal from service on the ground of unauthorised absence for a period of three
months is shockingly disproportionate cannot be found fault. However, the
direction of the learned Labour Court directing the petitioner Corporation to treat as
if the deceased employee was deemed to have been in continuous service till
07.03.2008 and directing to pay all the monetary benefits including back wages
cannot be justified. Instead, the learned Labour Court ought to have modified and
imposed appropriate punishment while issuing directions to the petitioner
Corporation.



W.P.(MD)No.24315 of 2018

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10. In the light of above, taking into fact that unauthorised absence of the deceased workman is established and the charges levelled against the workman was also confirmed, this Court is of the view that it could be appropriate to modify the relief that was granted in favour of the respondents 1 to 5 herein. Accordingly, this Writ Petition is disposed of modifying the impugned award as the one with 50% of the back wages from 29.12.2003 till (*)07.03.2008 only. Subject to the above modification, the petitioner Corporation is directed to pay all the terminal benefits payable to the respondents 1 to 5, as expeditiously as possible at any rate within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

07.04.2025

(*)Corrected as per order of this Court dated 11/08/2025 made in WP(MD)No. 24315/2018

Sd/-

Assistant Registrar (CS II)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

cmr



W.P.(MD)No.24315 of 2018

To:- व जयते

(*) To be substituted to the order already despatched on 11/06//2025

To

The Labour Court, Tiruchirappalli.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-23807[F] dated 09/04/2025)

W.P.(MD)No.24315 of 2018

07.04.2025

KR (23/05/2025) 6P/3C

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