



W.P(MD).No.23335 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM:

THE HONOURABLE MR JUSTICE B.PUGALENDHI

W.P(MD).No.23335 of 2022

K.Ravi

.. Petitioner

Vs.

1.The Managing Director
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
New Railway Station Road, Kumbakonam

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Trichy Region,
Periyamelaguparai, Tiruchirappalli.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the Respondents to pay the back wages, continuity of service and other attendant benefits from the date of dismissal i.e., on 28.02.2017 and retirement benefits and pension with the interest @ 12% per annum from the date of superannuation i.e., 28.02.2017 till the date of payment to the Petitioner.



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For Petitioner : Mr.Venkatachalam.D

For Respondents : Mr.K.Jegadees Balan
Standing Counsel

ORDER

Seeking terminal benefits, the Petitioner has approached this Court.

2. On certain allegations, the Petitioner was dismissed from service on 11.11.2014. The order of dismissal was been placed before the Deputy Commissioner, Labour for approval, as per Section 33(2)(b) of Industrial Disputes Act, 1947 (hereinafter referred as “ID Act”), after seven (7) years, i.e. On 17.02.2021. Therefore, the Deputy Commissioner has refused to grant approval. According to the Petitioner, since the order of dismissal has not been approved by the Competent Authority, the Petitioner is entitled for the retirement benefits.

3. The learned Standing Counsel for the Respondent-Corporation submits that as against the order passed by the Deputy Commissioner, under Section 33(2)(b) of ID Act, the Corporation has filed a Writ Petition before the Principal Seat of this Court in W.P.No.2702 of 2023



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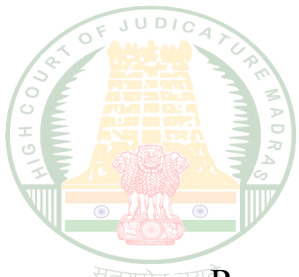
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and the same is pending. Pending the issue, the Petitioner is not entitled for the terminal benefits.

4. This Court has perused the order passed by the Deputy Commissioner of Labour in AP No. 28 of 2021 dated 30.11.2022, refusing to approve the order of dismissal dated 11.11.2014.

5. It appears that the Respondent-Corporation has made the proposal for approval of the dismissal order dated 11.11.2014, before the Deputy Commissioner as required under Section 33 (2) (b) of the ID Act only on 17.02.2021, after seven long years, when they are expected to send the proposal for approval without any delay. Though the proof of acknowledgement for having served the dismissal order dated 11.11.2014 on the Petitioner was submitted before the Deputy Commissioner of Labour as early as on 21.11.2014, the order of dismissal was sent for approval only after seven (7) years.

6. As against the order of the Deputy Commissioner dated 30/11/2022, the Respondent-Corporation has filed a Writ Petition before this Court in W.P.No.2702 of 2023, however, they have not obtained any interim relief from the Court. In the absence of the same, the



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Respondent-Corporation cannot take shelter by citing the pendency of the Writ Petition.

7. The Respondent-Corporation has to work out its remedy by approaching the Writ Court to get an order of interim stay or to settle the eligible terminal benefits to this Petitioner within a period of six (6) months from the date of receipt of copy of this order. With the above observations and directions, this Writ Petition stands disposed of. No costs.

28.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

nst

To

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(Kumbakonam) Limited,
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2.The General Manager,
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B.PUGALENDHI, J.

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