



WP(MD). No.25478 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.25478 of 2025

V.Arumugam

... Petitioner

Vs

1.The Deputy Labour Commissioner,
Office of the Deputy Commissioner of Labour (Approval),
Chennai - 6.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited
No.51/1, Pillai ThannerPanthal,
Thirumayam Road,
Pudukkottai.
Pudukkottai District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to reinstate the Petitioner as Conductor with continuity of service and Consequently direct the second respondent to disburse full back wages and all attendant benefits from the date of dismissal i.e., 24.05.2023, till the date of reinstatement based on the representation dated 07.10.2024.



WP(MD). No.25478 of 2025

For Petitioner : Mr.V.Selvakumar,
Advocate.

For R-2 : Mr.K.Ramaiah,
Standing Counsel

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the second respondent to reinstate the Petitioner as Conductor with continuity of service and Consequently direct the second respondent to disburse full back wages and all attendant benefits from the date of dismissal i.e., 24.05.2023, till the date of reinstatement based on the representation dated 07.10.2024.

2. Learned counsel for the petitioner would submit that the petitioner had been dismissed from service on 24.05.2023 and that by order dated 24.07.2024 the Joint Commissioner Labour had rejected the request made by the second respondent for approving the order of dismissal and therefore he is entitled for continuous service and full backwages together with other attendant benefits from the date of dismissal dated 24.05.2023. He would further submit that he had also



WP(MD). No.25478 of 2025

made representation to the same, but however, till date his representation has not been considered and he has also not been reinstated in service.

3. Countering his arguments, Mr.K.Ramaiah, learned Standing Counsel appearing for the second respondent would contend that as against the order passed by the Joint Commissioner, Labour, the second respondent had preferred a writ petition in W.P.No.12912 of 2025 and the same also came to be dismissed by the Principal Seat of this Court on 15.04.2025 against which an Intra Court appeal has been preferred and the same is yet to be registered by the Registry. Hence, without awaiting the result of the Intra Court appeal, such mandamus as prayed for by the petitioner cannot be granted.

4. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

5. Admittedly, the approval petition filed by the second respondent seeking approval of the dismissal order had been rejected and has also been confirmed by the Principal Seat of this Court by dismissing the writ



WP(MD). No.25478 of 2025

petition filed by the second respondent in W.P.No.12912 of 2025 as early as on 15.04.2025. Even after seven months had passed, the Intra Court appeal filed by the second respondent, is yet to be taken on file by the Registry for the reasons best known to the second respondent.

6. Therefore, this Court is of the view that there is no impediment in ordering the writ petition as prayed for and accordingly the writ petition stands allowed. There shall be a direction to the second respondent to forthwith reinstate the petitioner with continuity of service and grant him all monetary benefits including the unpaid salary from the date of dismissal till today together with all other attendant benefits and also to continue to pay the salary to the petitioner, if the second respondent succeeds in the intra Court appeal, then they are at liberty to take appropriate action. No costs.

04.11.2025

NCC : yes /no
Index : yes / no
Internet : yes / no

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WP(MD). No.25478 of 2025

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K.KUMARESH BABU, J.

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