



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31337 of 2023

&

W.M.P.No.30966 of 2023 and W.M.P.No.24791 of 2025

The Management
Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam ,
Anna Salai, Chennai 600002

....Petitioner

/Vs/

1.The Special Joint Commissioner of Labour,
DMS Campus, Anna Salai, Chennai.

2.C.Palani
Emp. No.15635,
No.53A, Pandiamman Kovil Street,
Thakkolam Post,
Arakonam Taluk, Vellore 631 001

...Respondents

PRAYER:

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 17.10.2022 passed by the 1st respondent in Approval Petition No. 236 of 2020 and quash the same, consequently direct the 1st respondent to approve the order of the petitioner dated 21.12.2020 dismissing the second respondent from service.



For Petitioner

Mr.B.Balaji

For Respondents

Mr.S.Senthil Murugan,
Spl.G.P. for R1

Mr.S.T.Varadarajulu for R2

ORDER

The writ petition is filed challenging the impugned order dated 17.10.2022 whereby the first respondent dismissed Approval Petition No.236 of 2020 .

2. The case of the petitioner-Corporation is that the 2nd respondent was an employee as a conductor and was working in the Poonamallee Depot in the year 2015. He did not report for duty and on his own volition, he remained absent for about 7 times. Under the said circumstances, disciplinary proceedings were initiated and the workman was removed from service. As per the settlement entered into under Section 12(3) of the Industrial Disputes Act between the workman and the management, an application for approval was filed. However, the approval was refused and aggrieved by the same, the present writ petition has been filed.

3. When the matter came up for hearing, the learned counsel appearing on behalf of the petitioner-management would submit that even before filing of the writ petition, on 16.08.2023 itself, the workman had submitted a letter to forgo



the back wages, provided he was reinstated into service. It is further submitted that the service of the workman comes to an end on 31.05.2026 and the management is now willing to reinstate him without back wages.

4. The learned counsel appearing on behalf of the workman would submit that immediately after the approval petition was dismissed, the workman had given a letter conveying his willingness to forgo back wages. The said letter was given well before the filing of the writ petition. Now, the application under Section 17-B of the Industrial Disputes Act, has been pending from the year 2025. Even now, the Workman is willing to forgo the back wages, however, since the request was given in the year 2023 itself, at least for the past 3 years, the benefits under Section 17-B to be paid.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. It is true that the workman had given a letter as early as on 06.02.2023 and the management is at fault in accepting the proposal belatedly after a period of 3 years. At the same time, it can be seen that when the writ petition is pending from the year 2023, the application under Section 17-B was filed only in June 2025. Be that as it may, to an extent, the grievance of the workman is alleviated by directing the management to pay all the contributions to the



provident fund including the employee's contribution to the special provident fund/pension fund, that is created by the petitioner-management. Since the workman is also attaining superannuation, it is better that the petitioner gets reinstated into service with continuity of service and other benefits by forgoing the back wages so that, he will also receive the retrial benefits, etc. in time. The above course will be in the best interest of both the management and the workman and will serve the interest of justice.

7. In view thereof, this writ petition is disposed of on the following terms:

(i)Forthwith, upon receipt of the web copy of this order, without waiting for certified copy of the order, the workman shall report before the petitioner-management for work.

(ii)From the said date of reporting, the workman will be deemed to be reinstated into service, even if there is any procedural formality to be completed by sending him for any medical check up etc. The same shall be done but the workman will be deemed to be on duty from date of reporting.

(iii)The workman will be deemed to be in service with continuity of service and all the other service benefits including the increments etc. shall be notionally worked out and accordingly, the salary from the date of entry into service shall be fixed.

(iv)When the workman retires from service, the wages shall be accordingly calculated and all the superannuation benefits shall be paid by



treating the workman to be continuously in service

(v) The pension fund contribution/provident fund contribution including the employee's contribution shall be paid by the management and the same shall be regulated at the instance of the management by the concerned Trust.

(vi) All the benefits due to the workman including the contributory pension that is payable shall be paid to the workman as if he was in regular duty all along. No costs. Consequently, connected Miscellaneous Petitions are closed.

10-02-2026

Neutral Citation: No
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To

The Special Joint Commissioner of Labour
DMS Campus, Anna Salai, Chennai



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W.P.No.31337 of 2



D.BHARATHA CHAKRAVARTHY, J.

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AND W.M.P.No.30966 of 2023,
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