

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.08.2021**

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8298 of 2015

S.Jayapal

... Petitioner

vs.

1.The Presiding Officer,
Labour Court,
Salem.

2.The Management,
Tamilnadu State Transport Corporation,
(Salem Region-2) Ltd., Bharathipuram,
Dharmapuri – 5.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Manadamus, to call for the records pertaining to the award in I.D.No.511 of 2004 of the 1st respondent dated 17.01.2005 and communicated by the Labour Officer in Na.Ka.No.977/A/2005-7 on 29.08.2005, quash the same and consequently direct the 2nd respondent to reinstate the petitioner with continuity of service, all other attendant and other consequential benefits.

For Petitioner

:

Ms.Akila

for Mr.M.Balachander

For 2nd Respondent : Ms.K.Thangam
for Mr.D.Raghu

ORDER

The petitioner has come up with this Writ Petition challenging the order dated 17.01.2005 passed by the 1st Respondent in I.D.No.511 of 2004, communicated by the Labour Officer vide Na.Ka.No.977/A/2005-7 dated 29.08.2005 and for a consequential direction to the 2nd respondent to reinstate him into service with continuity of service with all other attendant and consequential benefits.

2. It is represented by the learned counsel for the Petitioner that, the petitioner joined the services of the 2nd respondent-Transport Corporation as a Conductor on 30.10.1984 and that, his services were confirmed on 01.10.1986. While the petitioner was working in the Hosur Depot, a charge memo dated 22.01.2013 was issued to him for absence from duty from 16.11.2002 to 05.02.2003 and after conducting due enquiry, he was dismissed from service on 27.01.2004. He went on to state that, the petitioner has completed 20 years of service and hence, he is entitled for pension.

3. It is seen that the Labour Court by an order dated 17.01.2005 had modified the order of dismissal of the petitioner/employee as one of discharge.

4. Learned counsel for the Petitioner contended that, the decision taken by the 1st Respondent/Authority is not in consonance with the guidelines framed by the Apex Court in the decision rendered in the case of *Lalla Ram vs. Management of D.C.M. Chemical Works Ltd.* reported in *AIR 1978 SC 1004.*

5. Today, when the matter is taken up for hearing, learned counsel for the petitioner submitted that, the petitioner accepted the proposal given by the Government vide **Letter No.5370/C2/2021, dated 24.07.2021** in respect of Clause No.2(i) alone. For better appreciation, the said clause is extracted hereunder:

2. There were 283 cases, except TNSTC (MDU) placed before the Board for discussion. After detailed deliberations, the following decisions were taken:

(i) In respect of Ex-employees having required qualifying service for pension under 1998 Scheme to go on compulsory retirement on the date of dismissal and to allow eligible retirement benefits as per Rules in force.

6. Taking note of the submissions of the learned counsel on either side and as the petitioner has agreed to accept clause 2(i) of the proposal made by the Government, **the petitioner/employee is permitted to go on compulsory retirement on the date of dismissal and he is entitled to eligible retirement benefits, such as Gratuity, Pension and Provident Fund, as per the Rules in force.**

The Writ Petition is disposed of accordingly. No costs.

01.08.2021

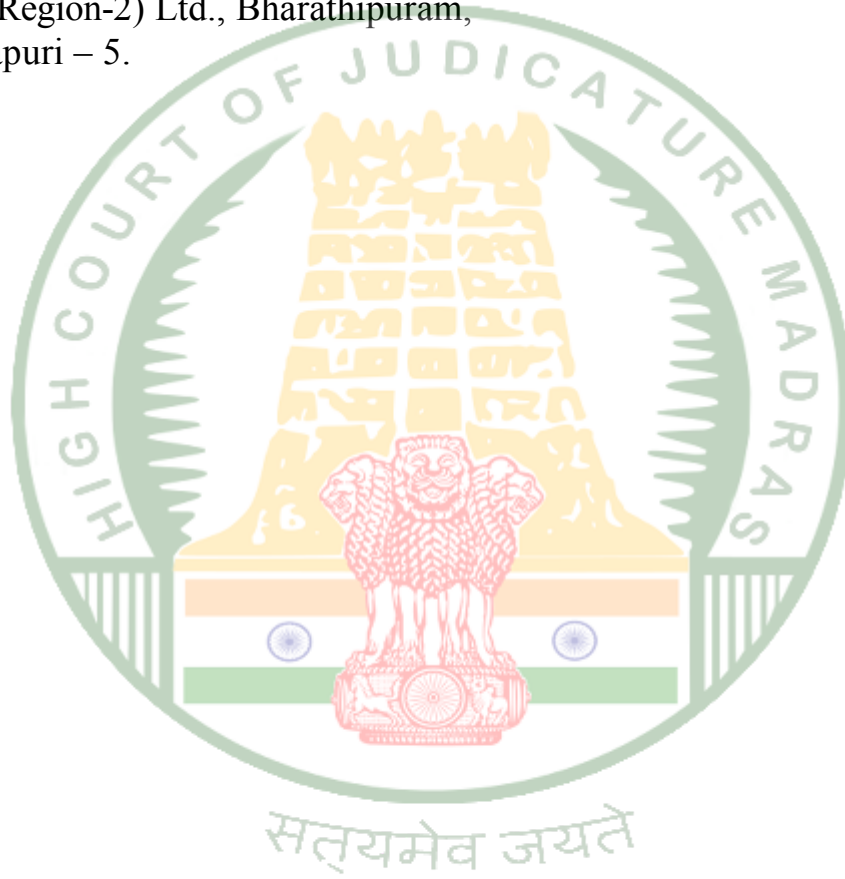
Index : Yes/No
Speaking Order : Yes/No
rsi

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To:

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S.VAIDYANATHAN, J.

rsi



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